

CHAPTER 372

STATISTICS

Ordinance AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT IN SRI LANKA OF AN
 No. 44 of 1935, OFFICIAL BUREAU OF STATISTICS AND FOR THE SUPPLY OF INFORMATION
Act THERE TO.
 No. 22 of 1955.

[22nd November. 1935.]

Short title. 1. This Ordinance may be cited as the supply, substantially in the prescribed form and before a specified date, any information relating to any matter to which this Ordinance applies.

Matters to which the Ordinance may be applied. 2. The Minister may by Order published in the Gazette, apply the provisions of this Ordinance to any matter relating to the economic conditions of Sri Lanka in respect of agriculture, emigration, immigration, factories, meteorology, mining, importation, exportation, manufacture and sale of products, stocks of products in possession and in course of transshipment, shipping, transportation by land or by water, trade, labour, cost of living, wages, industry, and commerce.

Establishment of Bureau of Statistics. 3. There shall be established in Sri Lanka a Bureau of Statistics for the collection and preparation of statistics relating to any matter to which the provisions of this Ordinance are applied by Order under section 2.

Appointment of Director and other officers. 4. (1) There may be appointed—
 (a) any person by name or by office to be or to act as Director of Statistics ;
 (b) such other officers and servants as may from time to time be required for the purposes of this Ordinance.

(2) The Bureau shall be under the control and management of the Director.

(3) All persons, officers, and servants discharging duties or engaged in carrying out the provisions of this Ordinance shall be deemed to be public servants within the meaning of the Penal Code.

Supply of information. 5. (1) The Director may at any time by notice in writing require any person to

(2) In addition to or in lieu of the power conferred under subsection (1)—

(a) the Director or any officer duly authorized by him may at any time require any person to supply to the prescribed officer, in the prescribed manner and before a specified date, written information relating to any matter to which this Ordinance applies;

(b) any officer duly authorized by the Director may require any person to supply oral information relating to any matter to which this Ordinance applies:

Provided that such officer shall not require the attendance of any person at any specified place, but shall proceed to the residence or place of business of that person for the purpose of obtaining such oral information.

(3) The Director or any officer duly authorized by him may at any time require any person to produce or cause to be produced before a specified date such documentary or other evidence as the Director or the officer so authorized may deem necessary for the purpose of verifying any information supplied by that person under this Ordinance. Any person whose attendance is required at any place more than four miles distant from the ordinary

residence of that person for the purpose of producing such documentary or other evidence shall be entitled to be paid for such attendance an allowance at such rates as may be prescribed.

(4) Nothing in this section contained shall affect or be deemed to affect any written or other law relating to the disclosure or non-disclosure of any official, secret, or confidential information, evidence, or document; and any person required by the Director or by an officer authorized by the Director to supply any information, to give any evidence, or to produce any document, shall be entitled in respect of such information, evidence, or document to plead the same privilege before the Director or such officer as before a court of law.

Duty of person supplying information.

6. Every person required under section 5 to supply any information shall be bound to supply that information to the best of his knowledge and belief:

Provided that no person shall be required or bound to supply any information other than such as is accessible to him in and derivable by him from any business or undertaking carried on in Sri Lanka of which he is the owner for the time being, or in the conduct or supervision of which he is engaged, or any information which involves the disclosure of any technical process or trade secret in or relating to such business or undertaking.

Information supplied by any one person not to be published except in certain circumstances.

7. (1) No information supplied by any one person under the provisions of this Ordinance shall be published without the consent in writing of the owner for the time being of the land, business, or undertaking to which that information relates; nor, except for the purposes of a prosecution under this Ordinance, shall that information be divulged or communicated to any person not engaged in the collection and preparation of statistics under this Ordinance.

(2) Every person engaged in the collection and preparation of statistics under this Ordinance shall make a declaration in the prescribed form that he will not, except for the purposes of this

Ordinance, disclose or make use of any information supplied under this Ordinance.

8. Any person who—

(a) knowingly acts in contravention of a declaration made by him under section 7; or

(b) being in possession of any information which to his knowledge has been disclosed in contravention of the provisions of section 7, publishes or communicates that information to any other person,

Penalty for unlawful disclosure of information.

shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding one year or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

9. Subject to any regulations made under section 13, all notices and other communications for the purposes of this Ordinance may be served in the following manner:—

Mode of service of notices, &c.

(1) Where the owner for the time being of the land, business, or undertaking in relation to which information is required is in Sri Lanka, the notice or communication shall be deemed to have been duly served upon him if it has been delivered to him.

(2) Where the owner for the time being of such land, business, or undertaking has in Sri Lanka an agent duly authorized by power of attorney to accept service on his behalf or an agent or other employee entrusted with the control, management or supervision of such land, business, or undertaking, the notice or communication shall be deemed to have been duly served upon such owner if it has been delivered to such agent or employee.

(3) Where service cannot be effected in the manner described in subsections (1) and (2), the notice or communication shall be deemed to have been duly served upon such

owner if it has been sent by registered post addressed to him at his last known place of residence in Sri Lanka.

(4) Where the owner for the time being of such land, business, or undertaking is a company or corporation the notice or communication shall be deemed to have been duly served upon such company or corporation if it has been—

(a) delivered to any director, manager, secretary or other principal officer in Sri Lanka of that company or corporation or to any person duly authorized to accept service on behalf of the company or corporation or to any person having on behalf of the company or corporation powers of control or management over such land, business, or undertaking; or

(b) left at the registered office, if any, of the company or corporation in Sri Lanka; or

(c) sent by registered post addressed to the company or corporation at its principal office wherever situate.

Offences.

10. Any person who-

(a) commits a breach of any of the provisions of this Ordinance or of any regulation made thereunder; or

(b) without lawful excuse refuses or neglects to comply with any direction or requirement duly made under the powers conferred by this Ordinance, or by any regulation made thereunder; or

(c) resists or obstructs any person in the performance of the duties imposed or in the exercise of the powers conferred upon him under this Ordinance or under any regulation made thereunder; or

(d) knowingly supplies or causes to be supplied any false information when directed to supply information under this Ordinance or under any regulation made thereunder; or

(e) knowingly produces or causes to be produced any false evidence when directed to produce evidence under this Ordinance or under any regulation made thereunder,

shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding fifty rupees and, in the case of a continuing offence shall be liable to a further fine not exceeding ten rupees for each day during which the offence continues.

11. Where a company or corporation has been directed by a notice served in the manner provided in section 9 (4) to supply any information or to produce any evidence under this Ordinance or under any regulation made thereunder, every director, and the manager, secretary, or other principal officer in Sri Lanka of that company or corporation, and any person to whom such notice has been delivered under section 9 (4), who—

Liability of individuals for offences committed by companies, &c.

(a) without lawful excuse refuses or neglects, or wilfully authorizes or permits any employee of that company or corporation to refuse or neglect, to supply that information or to produce that evidence in accordance with such direction; or

(b) knowingly supplies or causes to be supplied any false information; or

(c) knowingly produces or causes to be produced any false evidence,

shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to the punishment provided in section 10.

12. Where any person has committed an offence under section 10 (d) or section 11 (b), the offence shall be deemed to be a continuing offence until true information shall have been duly supplied.

Continuing offences.

Regulations.

13. (1) The Minister may make regulations for the purpose of carrying out the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:—

- (a) all matters under this Ordinance stated or required to be prescribed ;
- (b) the manner in which information required under this Ordinance shall be collected and arranged by the Bureau either in co-operation with or independently of the Government Agent of any administrative district, or the head of any department of Government;
- (c) the officers to whom, the times and places at which, and the form and manner in which information shall be supplied and authenticated ;
- (d) the form and manner in which statistics collected under this Ordinance shall be published ;
- (e) the manner in which notices and other communications issued under this Ordinance shall be served in special cases;
- (f) the exemption from the obligation to furnish information under this Ordinance either wholly or to a limited extent and either unconditionally or subject to conditions, of any person or class of persons;
- (g) the entry and inspection by officers discharging duties under this Ordinance of any land, institution, building, mine, factory, workshop or other place, for the purpose of obtaining or verifying information required under this Ordinance.

Approval of regulations.

14. (1) No regulation made under this Ordinance shall have effect unless it has been approved by Parliament. Notification

of such approval shall be published in the Gazette.

(2) Every regulation shall, upon the publication of the approval of that regulation as provided for in subsection (1) be as valid and effectual as if it were herein enacted.

15. In making regulations under this Ordinance, due regard shall be had to the circumstances of various trades and industries, and in particular to the importance of avoiding the disclosure in any information required under this Ordinance of any technical process, trade secret, or trading profits, or of any other matter the disclosure of which would be likely to tend to the prejudice of the owner for the time being of the land, business or undertaking to which that information relates.

Duty in making regulations.

16. In any report, summary of statistics, or other publication prepared under this Ordinance with reference to any trade or industry, the particulars comprised in the information supplied by any one person shall not be disclosed or so arranged as to facilitate the identification of any particulars so published as being particulars relating to any individual person or business.

Contents of reports. Ac., published under the Ordinance.

17. (1) All information supplied under this Ordinance shall be verified by a declaration that the statements contained therein are true and accurate.

Information to be verified by declaration.

(2) Every declaration made under this Ordinance shall be free from stamp duty.

18. In this Ordinance unless the context otherwise requires—

Interpretation.

" Bureau " means the Bureau of Statistics established under section 3;

" Director " means the person appointed to be or to act as Director of Statistics under section 4 ;

" prescribed " means prescribed by this Ordinance or by any regulations made thereunder;

" regulation " means a regulation made by the Minister.