

THE STATISTICS (AMENDMENT) BILL, 2014

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Statistics Law (2011 Revision).

Clause 1 of the Bill provides the short title of the legislation.

Clause 2 amends section 2 of the principal Law to define the term “Director” to mean the officer of the Economics and Statistics Office appointed by the Governor to be responsible for the gathering and collation of statistics. The clause also deletes the definition of the words “Governor in Cabinet”.

Clause 3 amends section 7 of the principal Law to empower the Director to collect statistics without first having to obtain Cabinet approval. The clause also authorizes the conduct of voluntary surveys among companies that are exempted under section 164 of the Companies Law (2013 Revision) and trusts that are exempted under section 74 of the Trusts Law (2011 Revision).

Clause 4 of the Bill repeals and substitutes section 11 of the principal Law to require persons who have to supply information, to do so within a period specified by the Director.

Clause 5 amends section 14 of the principal Law to require persons who have to supply answers to questions, to do so within a period specified by the Director.

Clauses 6 and 7 respectively amend sections 15 and 16 of the principal Law to enable entry on premises and access to public records where the Director decides to collect statistics under section 7 of the principal Law. These amendments are consequential upon the amendments effected by clause 3 whereby the Director would be empowered to collect statistics without first having to obtain Cabinet approval.

Clause 8 amends section 19 of the principal Law to make it an offence for a person to fail to fill up a questionnaire within the period specified by the Director or to knowingly provide information that is false in a material particular.

Clause 9 of the Bill amends section 21 of the principal Law to enable regulations to be made prescribing fees, tariffs or charges for any service provided under the principal Law.

Clause 10 amends miscellaneous sections of the principal Law to empower the Cabinet (instead of the Governor in Cabinet) to -

- (a) direct the taking of a census;
- (b) make regulations for the purposes of a census; and
- (c) issue directions to the Director in relation to the preparation of documents for a census.

THE STATISTICS (AMENDMENT) BILL, 2014

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment of section 2 of the Statistics Law (2011 Revision) - definitions
3. Amendment of section 7 - other statistics
4. Repeal and substitution of section 11 - supply of information required in forms
5. Amendment of section 14 - supply of information to Director of the Economics and Statistics Office, etc.
6. Amendment of section 15 - right of entry
7. Amendment of section 16 - access to public records
8. Amendment of section 19 - offences of obstruction, etc.
9. Amendment of section 21 - regulations
10. Amendment of miscellaneous sections - substitution of "Cabinet" for "Governor"

CAYMAN ISLANDS

A BILL FOR A LAW TO AMEND THE STATISTICS LAW (2011 REVISION) TO MAKE FURTHER PROVISION FOR THE EFFECTIVENESS OF THE ECONOMICS AND STATISTICS OFFICE IN RELATION TO THE COLLECTION OF STATISTICAL INFORMATION; AND TO MAKE PROVISION FOR INCIDENTAL AND CONNECTED MATTERS

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Statistics (Amendment) Law, 2014. Short title

2. The Statistics Law (2011 Revision), in this Law referred to as the “principal Law”, is amended in section 2 as follows - Amendment of section 2 of the Statistics Law (2011 Revision) - definitions
 - (a) in the definition of the words “Director of the Economics and Statistics Office” by deleting the words “means the” and substituting the words “or “Director” means the”; and
 - (b) by deleting the definition of the word “Governor”.

3. The principal Law is amended in section 7 as follows - Amendment of section 7 - other statistics
 - (a) by renumbering section 7 as section 7(1);
 - (b) in section 7(1) as renumbered, by deleting the words “With the approval of the Governor, the” and substituting the word “The”;
 - (c) by substituting a full stop for the colon appearing at the end of section 7(1)(t) as renumbered and by deleting the proviso; and
 - (d) by inserting after section 7(1) as renumbered the following subsection -

“ (2) Notwithstanding subsection (1), no information shall be required to be given under this section by or on behalf of any company exempted under section 164 of the Companies Law (2013 Revision), or any trust exempted under section 74 of the Trusts Law (2011 Revision), but the information may be given voluntarily by or on behalf of any such exempted company or exempted trust.”

Repeal and substitution of section 11 - supply of information required in forms

4. The principal Law is amended by repealing section 11 and substituting the following section -

“Supply of information required in forms 11. (1) For the purposes of this Law, the Director may, by notice in writing, direct any person from whom forms may lawfully be required pursuant to this Law or the regulations -

- (a) to fill up and supply, in accordance with the instructions contained in, accompanying or having reference to any schedule, form or other document accompanying the notice, the particulars specified in that schedule, form or other document; and
- (b) to cause the schedule, form or other document so filled up to be furnished to the Director in accordance with those instructions, within such period after the service of the notice (being not less than fourteen days) as is specified in the notice.

(2) Every person directed by notice under subsection (1) shall -

- (a) fill up and supply, in accordance with the instructions contained in, accompanying or having reference to any schedule, form or other document accompanying the notice, the particulars specified in that schedule, form or other document; and
- (b) cause the schedule, form or other document so filled up to be furnished to the Director in accordance with those instructions, within such period as is specified in the notice.”

Amendment of section 14 - supply of information to Director of the Economics and Statistics Office, etc.

5. The principal Law is amended in section 14 by deleting the words “his knowledge and belief, answer all questions asked him” and substituting the words “that person’s knowledge and belief, within the time stated by the Director of the Economics and Statistics Office, answer all questions asked of that person”.

6. The principal Law is amended in section 15 as follows -
- Amendment of section
15 - right of entry
- (a) by deleting the words “Where the Governor has, under section 7, approved the” and substituting the word “Where the Director decides under section 7 that there shall be a”; and
 - (b) in subparagraphs (i) and (ii), respectively, by deleting the words “in respect of which the Governor has approved the taking of statistics” and substituting the words “to which the collection of statistics relates”.
7. The principal Law is amended in section 16 as follows -
- Amendment of section
16 - access to public
records
- (a) by deleting the words “Where the Governor has, under section 7, approved the” and substituting the word “Where the Director decides under section 7 that there shall be a”; and
 - (b) by deleting the words “in relation to which the Governor has approved of the collection of statistics” and substituting the words “to which the collection of statistics relates”.
8. The principal Law is amended in section 19 by repealing paragraph (b) and substituting the following paragraphs -
- Amendment of section
19 - offences of
obstruction, etc.
- “(b) after receiving from the Director, a direction by notice in writing under section 11(1), fails to comply with the direction or with section 11(2);
 - (ba) being required to furnish information or to supply particulars under this Law, knowingly or recklessly makes any statement relating to the information or particulars which is false or misleading in any material particular or furnishes information or supplies particulars which are false or misleading in any material particular or who practices any other deception in furnishing the information or supplying the particulars;”.
9. The principal Law is amended in section 21 as follows -
- Amendment of section
21 - regulations
- (a) by deleting the word “Governor” and substituting the word “Cabinet”; and
 - (b) by inserting after paragraph (d) the following paragraph -
 - “(da)prescribing fees, tariffs or charges for any service provided under this Law;”.
10. The principal Law is amended in sections 4, 6 and 10, respectively, by deleting the word “Governor” and substituting the word “Cabinet”.
- Amendment of
miscellaneous sections -
substitution of “Cabinet”
for “Governor”

Passed by the Legislative Assembly the _____ day of _____, 2014.

Speaker.

Clerk of the Legislative Assembly.