

CAYMAN ISLANDS



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**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**

**THE STATISTICS (AMENDMENT) BILL, 2016**

**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 word “Governor” and inserts a definition of the words “authorized officer”.

Clause 3 amends section 7 of the principal Law to authorize the conduct of voluntary surveys among certain companies that are exempted under section 164 of the Companies Law (2013 Revision).

Clause 4 of the Bill amends section 8 of the principal Law to provide that the Freedom of Information Law, 2007, does not apply to individual data collected by the Economics and Statistics Office for statistical compilation.

Clause 5 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 6 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.

Clause 7 amends section 18 of the principal Law to increase the penalties for breach of confidentiality by employees of the Economics and Statistics Office.

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 customized statistical service provided on request under the principal Law.

Clause 10 amends miscellaneous sections of the principal Law to empower the Cabinet (instead of the Governor in Cabinet) to carry out various functions under the principal Law, for example, 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, 2016**

**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. Amendment of section 8 - compilation, etc., of statistics
5. Repeal and substitution of section 11 - supply of information required in forms
6. Amendment of section 14 - supply of information to Director of the Economics and Statistics Office, etc.
7. Amendment of section 18 - offences by person employed for purposes of this Law
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"

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**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, 2016. 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) by inserting after the definition of the words “annual publication and dissemination calendar” the following definition -  
“ “authorized officer” means an employee of the Economics and Statistics Office directed by the Director to conduct a statistical task under this Law;”;
  - (b) 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
  - (c) 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) 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
- (c) 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) but the information may be given voluntarily by or on behalf of any such exempted company if the exempted company has a place of business in the Islands for the purpose of conducting economic activity in the Islands for a period of not less than one year after the survey period prescribed by the Director for the purpose of subsection (1).”.

Amendment of section 8 - compilation, etc., of statistics

4. The principal Law is amended in section 8(1A) by inserting after the word “purposes” the words “; and the Freedom of Information Law, 2007, does not apply to any such individual data”.

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

5. 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 or an authorized officer may, either orally or in writing, request a person -

- (a) to fill up and supply, in accordance with instructions contained in or accompanying a schedule, form or document, 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, or to an authorized officer, in accordance with those instructions.

(2) For the purposes of this Law, the Director may, by notice in writing served either personally or by post on a person, direct the person -

- (a) to fill up and supply the particulars specified in a form accompanying the notice, in accordance with instructions contained in or accompanying the form, within such period after the service of the notice, being no less

than thirty days, as is specified in the notice;  
and

- (b) to cause the form so filled up to be furnished to the Director, or to an authorized officer, in accordance with those instructions.

(3) Every person directed by notice under subsection (2) 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.”.

6. The principal Law is amended by repealing section 14 and substituting the following section -

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

“Answering questions

14. (1) For the purposes of this Law, the Director or an authorized officer may, either orally or in writing, request a person to answer a question that is necessary to obtain any statistical information in relation to any matter referred to in section 7.

(2) For the purposes of section 7, the Director may, by notice in writing served either personally or by post on a person, direct the person to answer, within such period after service of the notice, being not less than thirty days, as is specified in the notice, a specified question that is necessary to obtain any statistical information in relation to any matter referred to in section 7.

(3) For the purposes of this Law, a person shall, to the best of that person’s knowledge and belief, answer all questions asked of that person by the Director or any person authorized in that behalf -

- (a) by any regulation; or
- (b) in writing by the Director.”.

- Amendment of section 18 - offences by person employed for purposes of this Law
7. The principal Law is amended in section 18(1) and (2) by inserting after the words “or to both” the words “, or on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of three years, or to both”.
- Amendment of section 19 - offences of obstruction, etc.
8. The principal Law is amended in section 19 by repealing paragraph (b) and substituting the following paragraphs -
- “(b) after receiving from the Director, a direction by notice in writing under this Law, fails to comply with the direction;
- (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;”.
- Amendment of section 21 - regulations
9. The principal Law is amended in section 21 by inserting after paragraph (d) the following paragraph -
- “(da)prescribing fees, tariffs or charges for any customized statistical service provided on request under this Law;”.
- Amendment of miscellaneous sections - substitution of “Cabinet” for “Governor”
10. The principal Law is amended in sections 4, 6, 7, 8(1), 10, 15, 16 and 21, respectively, by deleting the word “Governor” wherever it appears and substituting the word “Cabinet”.

Passed by the Legislative Assembly the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Speaker.

Clerk of the Legislative Assembly.