

## CHAPTER 310

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## CHAPTER 310

### THE UGANDA BUREAU OF STATISTICS ACT.

*Commencement:* 11 June, 1998.

**An Act to provide for the development and maintenance of a national statistical system to ensure collection, analysis and publication of integrated, relevant, reliable and timely statistical information; to establish a bureau as a coordinating, monitoring and supervisory body for the national statistical system and for other matters incidental to the foregoing.**

#### PART I—INTERPRETATION.

##### 1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “authorised officer” means a person appointed as an authorised officer under section 10 and includes a supervisor, enumerator, coder and data entry clerk;
- (b) “board” means the board of directors appointed under section 4;
- (c) “bureau” means the Uganda Bureau of Statistics established by section 2;
- (d) “census” means a statistical operation in which all units (whole population) of interest are enumerated;
- (e) “chairperson” means the chairperson of the board appointed under section 4;
- (f) “currency point” means the value specified in relation to currency point in the First Schedule to this Act;
- (g) “executive director” means the chief executive of the bureau;
- (h) “financial year” means in respect of any accounting period, the period of twelve months ending 30th June; (i) “lead agency” includes a Ministry, department or any other agency of Government, a local authority or an agency of a local authority and, generally, any other user or provider of statistics;
- (j) “member” means a member of the board of directors appointed under section 4; (k) “Minister” means the Minister responsible for statistics; (l) “national statistics system” includes all agencies in Uganda, whether Government or not, responsible whether under any

enactment or otherwise for gathering statistical data directly through surveys or through administrative action; (m) “statistical sample survey” means a statistical operation in which only a selected part (sample) and not all units (whole population) of interest are enumerated; (n) “statistics” means any quantity collected as a summary of data.

PART II—ESTABLISHMENT, OBJECTS AND FUNCTIONS OF THE BUREAU.

**2. Establishment of the bureau, application of seal and executors of contracts.**

(1) There is established the Uganda Bureau of Statistics.

(2) The bureau shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and do or suffer all acts and things as bodies corporate may lawfully do or suffer.

(3) The common seal under subsection (2) shall be such a device as the board may determine and shall be kept in the custody of the secretary to the board.

(4) The common seal of the bureau shall not be fixed on any document except in accordance with a resolution of the board, and shall be authenticated by the signatures of the chairperson and the executive director.

(5) In absence of the chairperson, a board member shall be designated by the board to authenticate the common seal in place of the chairperson; and in the absence of the executive director, the person for the time being performing the functions of the executive director shall authenticate in place of the executive director.

(6) The signatures of the chairperson, executive director or any other member of the board under this section shall be independent of the signing by any other person as witness.

(7) A contract or instrument which if entered into or executed by a person not being a body corporate which would not be required to be under seal may be entered into or executed without seal on behalf of the bureau by the executive director or any other person authorised by the board.

- (8) Every document purporting to be—
  - (a) an instrument issued by the bureau and sealed with the common seal of the bureau, authenticated in the manner prescribed in this section; or
  - (b) a contract or instrument entered into or executed under subsection (7),

shall be received in evidence without further proof as such an instrument duly issued or a contract or instrument entered into or executed, as the case may be, unless the contrary is proved.

### **3. Objects and functions of the bureau.**

(1) The bureau shall be the principal data collecting and disseminating agency responsible for coordinating, monitoring and supervising the national statistical system to cover matters specified in the Fourth Schedule to this Act.

- (2) The bureau in carrying out its objects under subsection (1) will—
  - (a) be responsible for—
    - (i) providing high quality central statistics information services; (ii) promoting standardisation in the collection, analysis and publication of statistics to ensure uniformity in quality, adequacy of coverage and reliability of statistics information; (iii) providing guidance, training and other assistance as may be required to other users and providers of statistics; (iv) promoting cooperation, coordination and rationalisation among users and providers of statistics at national and local levels so as to avoid duplication of effort and ensure optimal utilisation of scarce resources; (v) promoting and being the focal point of cooperation with statistics users and providers at regional and international levels;
  - (b) be a source of official statistical information.

(3) Without prejudice to the general effect of subsections (1) and (2), the bureau may, under this section, perform the following functions—

- (a) review all initiatives to collect data at the national and local government levels and approve instruments developed for data collection, including census frames, registers, sample designs and

- questionnaires;
- (b) collect, compile, analyse and publish social, environmental, economic and national accounts statistics;
- (c) conduct censuses and surveys as the need arises;
- (d) collect routine administrative statistics;
- (e) organise and maintain a central depository of statistical reports, publications, documents and data from both within and outside Uganda;
- (f) guide and coordinate local government statistical services;
- (g) do all things necessary or incidental or conducive to the objects of the bureau under this Act.

### PART III—BOARD OF THE BUREAU.

#### 4. Establishment of the board.

- (1) The governing body of the bureau shall be a board.
- (2) The board shall consist of the following—
  - (a) the chairperson;
  - (b) the executive director;
  - (c) a representative of the Ministry responsible for statistics;
  - (d) a representative of the Institute of Statistics and Applied Economics of Makerere University;
  - (e) not more than three members appointed from among the major producers and users of statistics.
- (3) The chairperson and the members referred to in subsection (2)(e) shall be appointed by the Minister from among persons who qualify for appointment by virtue of their professional qualifications and experience in statistics and business-oriented management.
- (4) A person appointed under subsection (2), other than the executive director, shall hold office for a term of three years and shall be eligible for reappointment; but his or her tenure of office shall not exceed two consecutive terms.
- (5) A member referred to in subsection (2) shall cease to be a member of the board if he or she—
  - (a) resigns;
  - (b) is removed from office by the Minister—

- (i) on the written recommendation of the board;
- (ii) on the grounds of inability to perform the functions of his or her office by reason of infirmity of body or mind; or
- (iii) for any other just cause.

(6) A member referred to in subsection (2)(c) or (d) shall cease to hold office when the authority which nominated that member cancels the nomination.

(7) The Second Schedule to this Act shall have effect so far as meetings of the Board and other matters specified in that Schedule are concerned.

## **5. Validity of proceedings of the board.**

The validity of any proceedings of the board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

## **6. Functions of the board.**

- (1) The functions of the board shall be—
  - (a) to formulate policy guidelines and to monitor the implementation of the bureau's plans and programmes;
  - (b) to approve the annual budget and action plan for the bureau;
  - (c) to make or approve senior staff appointments;
  - (d) to determine from time to time the bureau's structure, staffing levels and terms and conditions of service;
  - (e) to establish rules and procedures for— (i) the appointment, career development and disciplining of staff; (ii) the purchase of goods and services and for the disposal of assets; (iii) the proper management of the bureau's finances and assets;
  - (f) to keep the Minister informed of the progress of the business of the bureau at three-month intervals;
  - (g) to perform any other functions as may be approved by the Minister in writing on the recommendation of the board.

(2) The board may, subject to such conditions and restrictions as it may impose, delegate any of its functions under subsection (1) to a

committee of the board or to the executive director except its power to delegate.

#### PART IV—EXECUTIVE DIRECTOR AND OTHER STAFF.

### **7. The executive director.**

(1) There shall be an executive director appointed by the Minister on the recommendation of the board on terms and conditions determined by the board.

(2) The executive director shall be the chief executive officer of the bureau and shall be responsible for implementing board policies.

(3) Subject to this Act and the general supervision and control of the board, the executive director shall be responsible for the management of the funds, property and business of the bureau and for the administration, organisation and control of the staff of the bureau.

(4) The executive director shall be a member of the board.

(5) A person shall not be appointed executive director unless he or she has good knowledge of statistics and has proven managerial ability.

### **8. Secretary to the board.**

(1) There shall be a secretary to the board appointed by the board on such terms and conditions as the board may determine.

(2) The secretary to the board shall perform such functions as the board may direct and, in addition, shall be responsible for—

- (a) arranging the business at meetings of the board;
- (b) taking minutes of meetings of the board; and
- (c) keeping records of decisions and other policy records of the board.

(3) The secretary shall in the performance of his or her duties be responsible to the executive director.



## **9. Other staff.**

(1) The board shall engage such other officers and employees as may be necessary for the proper and efficient discharge of the objects and functions of the bureau.

(2) The officers and employees appointed under this section shall hold office on terms and conditions that the board may determine.

(3) Without prejudice to the generality of subsection (2), the board may provide for the payment to its officers and employees of salaries, allowances, pensions, gratuities or other retirement benefits and may require them to contribute to any pension, provident fund or superannuation scheme.

## **10. Authorised officers.**

(1) The board may, in consultation with the relevant appointing authority, in writing, designate, on temporary terms, additional persons as authorised officers for the purpose of collecting specific statistical information under this Act and on such terms and conditions as the board and the relevant appointing authority may determine.

(2) In this section, “relevant appointing authority” means the person or authority responsible for the appointment of the authorised officer in his or her substantive post, if any.

## **11. Protection of members and staff from personal liability or negligence.**

(1) A member of the board shall not be personally liable for an act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

(2) An employee or other person acting on behalf of the bureau shall not be personally liable for any act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

## **12. Oath of office and secrecy.**

A person employed in carrying out any of the provisions of this Act shall,

before commencing the duties relating to those provisions, take and subscribe before a magistrate, commissioner for oaths or the executive director, the oath of office and secrecy prescribed in the Third Schedule to this Act.

PART V—STATISTICAL INFORMATION AND POWERS OF THE BUREAU.

**13. Census.**

(1) The Minister may, on the recommendation of the board, direct, by statutory order, that a census be taken, where applicable, on any matter specified in the Fourth Schedule to this Act.

- (2) Every order made under subsection (1) may specify—
- (a) the date or dates on or between which the census is to be taken; and
  - (b) the information to be obtained in the census.

**14. Statistics.**

(1) The bureau shall collect statistics for Uganda concerning matters specified in the Fourth Schedule to this Act.

(2) The executive director may, with the approval of the board, appoint any technical committee to advise him or her in the performance of his or her functions under this Act.

**15. Census and survey by other agencies.**

(1) All initiatives by agencies other than the bureau to conduct censuses and surveys at the national level shall be presented to the board for consideration and approval.

(2) The Minister may, on the recommendation of the board, by statutory instrument, make rules concerning the procedures to be followed with respect to proposals submitted to the board under subsection (1).

**16. Power to obtain particulars.**

(1) Where any statistical information is being collected in accordance with this Act, the executive director, an officer of the bureau or an authorised officer may require any person to supply him or her with such particulars as

may be prescribed, or such of those particulars as the executive director may consider necessary or desirable in relation to the collection of the information.

(2) A person on being required to give information under subsection (1) shall, to the best of his or her knowledge and belief, complete the forms, make the returns, answer the questions and give all necessary information, in the manner and within the time specified by the executive director.

(3) In the exercise of his or her duty under subsection (2), the executive director shall not specify a period less than seven working days.

(4) An officer appointed under section 9 or an authorised officer may require any person to supply him or her with particulars either—

- (a) by interviewing that person; or
- (b) by sending, by telegraphic transfer or by leaving at or posting to his or her last address, a form containing a notice requiring the form to be completed and returned in the manner and within the time specified in the notice.

(5) Where any particulars are, by any document issued by an authorised officer, required to be supplied by any person, it shall be presumed, until the contrary is proved, that the particulars may lawfully be required from that person in accordance with this Act.

(6) The bureau shall render technical assistance in the establishment and utilisation of central public registers which serve to perform administrative duties for the public sector, business and industry, and which can be used for statistical purposes.

## **17. Power of entry and inspection.**

An authorised officer may at all reasonable times with the written authorisation of the executive director, for any purpose connected with the collection of statistical information, enter and inspect any land, building, vehicle, vessel or aircraft where persons are employed and may make such inquiries as may be necessary for the collection of the information, except that nothing in this section shall entitle an authorised officer to enter any dwelling house except for a purpose connected with the collection of statistical information.

## 18. Confidentiality.

- (1) Except for the purpose of a prosecution under this Act—
  - (a) no individual return or part of the return made for the purpose of this Act;
  - (b) no answer given to any question put for the purposes of this Act;
  - (c) no report, abstract or document, containing particulars contained in any such return or answer and so arranged as to render possible identification of those particulars with any person, business or undertaking; and
  - (d) no data set or part of a data set stored in a computer or any other electronic media,

shall be published, admitted in evidence or shown to any person not employed in the execution of a duty under this Act except with the written consent of the person making the return or giving the answer, or, in the case of a business or undertaking, from the person having the control, management or superintendence of the business or undertaking.

(2) Subsection (1) does not apply where the person, business or undertaking has published the return, answer, report, abstract or document and opened up 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 in the report, abstract or document render identification possible merely by reason of the fact that they relate to an undertaking or business which is the only undertaking or business within its particular sphere of activities, if the particulars do not render possible identification of the costs of production of, or the capital employed or profits arising in the undertaking or business.

(4) Notwithstanding the restrictions under subsection (1), the executive director may release unit records on computer media, with identifiers removed, if—

- (a) he or she is satisfied that the unit records so released will be used for genuine research purposes;
- (b) he or she obtains from the recipient of the records a written undertaking that the records will not be released to any other person without the written consent of the executive director;
- (c) he or she obtains from the recipient a written undertaking to make available a copy of the research findings to the bureau; or

- (d) he or she is satisfied that the unit records cannot be identified as relating to any particular person or business enterprise.

#### **19. Dissemination of statistical data.**

The executive director shall ensure that any statistical data collected, after appropriate processing and ascertaining its quality for accuracy, and also after ensuring confidentiality with respect to any individual who provided any statistical information to which section 18 relates, is released for general dissemination.

#### **20. Relationship with other lead agencies.**

(1) The bureau shall, in promoting and facilitating development of an integrated national statistical system or in the exercise of any other function under this Act, consult and cooperate with other lead agencies having duties related to or having aims or objectives related to those of the bureau.

(2) The bureau may, on such terms and conditions considered necessary, delegate any of the executive director's functions under this Part to any person.

(3) All lead agencies shall cooperate with the bureau in carrying out its functions under this Act.

### **PART VI—FINANCE.**

#### **21. Funds of the bureau and investment of surplus funds.**

- (1) The funds of the bureau shall consist of—
  - (a) money appropriated from time to time by Parliament;
  - (b) loans approved by the Government;
  - (c) grants, gifts and donations received by the bureau from any source approved by the Minister;
  - (d) any money that may become payable to the bureau in the discharge of its objects and functions under this Act.

(2) All income and monies of the bureau shall be deposited to the credit of the bureau in a bank approved by the board and shall not be withdrawn except with the approval of, and in the manner determined by, the board.

(3) Any funds of the bureau not immediately required for any purpose under this Act shall be invested in such a manner as the board may, with the approval of the Minister, determine.

## **22. Estimates.**

(1) The executive director shall, not later than three months before the end of each financial year, prepare and submit to the board for its approval and recommendation to the Minister, estimates of income and expenditure of the bureau for the next ensuing financial year, and may at any time before the end of the financial year prepare and submit to the board for approval and recommendation to the Minister any estimates supplementary to the estimates of the current year.

(2) No expenditure shall be made out of funds of the bureau unless that expenditure is part of the expenditure approved by the Minister under subsection (1).

## **23. Accounts.**

(1) The bureau shall keep proper books of account.

(2) Subject to any directions given by the Minister, the board shall cause to be prepared in respect of each financial year, and not later than three months after the close of the financial year, a statement which shall include a report on the performance of the bureau during that financial year, and the statement shall comprise—

- (a) a balance sheet and a statement of income and expenditure of the bureau in respect of that financial year; and
- (b) any other information in respect of the financial affairs of the bureau as the Minister may, in writing, require.

## **24. Audit.**

(1) The accounts of the bureau shall, in respect of each financial year, be audited by the Auditor General or by an auditor appointed by the Auditor General.

(2) The board shall ensure that within four months after the close of each financial year, the statement of account described in section 23 is

submitted for auditing.

(3) The Auditor General shall, within two months after receipt of the statement of account under subsection (2), audit the accounts and deliver to the board a copy of the audited accounts together with his or her report on them stating any matter which in his or her opinion should be brought to the attention of the Minister.

(4) The board shall deliver to the Minister a copy of the audited accounts together with the auditor's report under subsection (3).

#### PART VII—MISCELLANEOUS.

##### **25. Annual report.**

The board shall, within three months after the end of each financial year, submit to the Minister a report of the activities of the bureau in respect of that financial year, and the report shall include a record of the performance of the bureau during that financial year and its future plans.

##### **26. Minister's report to Parliament.**

The Minister shall submit to Parliament within nine months from the end of the financial year—

- (a) the audited accounts and the auditor's report on the bureau under section 24; and
- (b) the annual report of the bureau submitted to him or her under section 25.

##### **27. Evidence.**

A certificate or written statement purporting to have been made and signed by a member, the executive director, a person appointed under section 8 or by an authorised officer shall, in any criminal proceedings in respect of an offence under this Act be prima facie evidence of the facts stated in it, and it shall not be necessary to tender oral evidence of those acts unless the court before which the proceedings are held so directs; and in that case, a postponement shall be allowed to enable the person whose oral evidence is required to attend.

## 28. Offences and penalties.

(1) Any person employed in the execution of any duty under this Act who—

- (a) by virtue of the employment or duty becomes possessed of information which might influence or affect the market value of any share or other security, interest, product or article and who before the information is made public, directly or indirectly uses it for personal gain;
- (b) without lawful authority, publishes or communicates to any person other than in the ordinary course of his or her employment any information acquired by him or her in the course of the employment or duty; or
- (c) knowingly compiles for issue any statistics or statistics information,

commits an offence and is liable on conviction to a fine not exceeding sixty currency points or imprisonment not exceeding two years or both.

(2) Any person who, being in possession of any information which to his or her knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person commits an offence and is liable on conviction to a fine not exceeding sixty currency points or imprisonment not exceeding two years or both.

(3) Any person who—

- (a) hinders or obstructs an authorised officer in the lawful performance of any duties or in the lawful exercise of any power imposed or conferred on him or her under this Act;
- (b) refuses or neglects— (i) to complete and supply, within such time as may be specified for the purpose, the particulars required in any return, form or other document left with or sent to that person; (ii) to answer any question or inquiries put to or made of him or her under this Act; or
- (c) knowingly or negligently makes in any return, form or other document completed by him or her under this Act or in any answer to any question or inquiry put to or made of him or her under this Act any statement which is untrue in any material particular,

commits an offence and is liable on conviction to a fine not exceeding thirty



currency points or imprisonment not exceeding six months or both.

**29. Transfer of assets and liabilities.**

All assets and liabilities which were vested in the statistics department immediately before the commencement of this Act shall vest in the bureau.

**30. Service of documents.**

Without prejudice to any other law relating to the service of document, a document served on the bureau may be served by leaving it at the office of the executive director.

**31. Regulations.**

(1) The Minister may, by statutory instrument, make regulations for giving effect to this Act.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under it for—

- (a) prescribing any fees for anything done by the bureau in carrying out its objects;
- (b) prescribing penalties in respect of any contravention of the regulations not exceeding a fine of fifty currency points or imprisonment not exceeding twelve months or both.

**32. Amendment of Schedules.**

The Minister may, on the advice of the board, by statutory instrument, amend any of the Schedules to the Act.

**SCHEDULES**

*First Schedule.*

s. 1.

**Currency point.**

A currency point shall be equivalent to twenty thousand shillings.

**Meetings of the board.**

**1. Meetings of the board.**

(1) The board shall ordinarily meet at least once in every three months at a place and time fixed by the chairperson.

(2) The chairperson may summon a special meeting of the board on a written request by not less than three members of the board.

(3) The secretary to the board shall, where the chairperson is absent, summon a meeting of the board if at least three members of the board request him or her to do so.

(4) Three members of the board shall form a quorum at any meeting of the board.

(5) The chairperson shall preside at all meetings of the board, and in his or her absence a member elected by the members present from among their number shall preside.

(6) A question proposed at any meeting of the board shall be determined by a simple majority of the members present and voting; where there is an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(7) The board may co-opt any person who is not a member to attend any of its meetings as an adviser; and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.

(8) Except as otherwise expressly stated in this Act, the board may regulate its own procedure.

**2. Minutes of board meetings.**

(1) The secretary to the board shall keep or cause to be kept the

minutes of every meeting of the board.

(2) The minutes recorded under subparagraph (1) shall be submitted to the board for confirmation at its next meeting following that to which the minutes relate and when so confirmed shall be signed by the chairperson and the secretary to the board in the presence of the other members.

(3) A copy of the minutes signed under subparagraph (2) shall, as soon as possible, be submitted to the Minister by the secretary to the board.

*Third Schedule.*

s. 12.

**Oath of office and secrecy.**

I, \_\_\_\_\_, do solemnly swear that I will faithfully and honestly fulfill my duties as \_\_\_\_\_ in conformity with the requirements of the Uganda Bureau of Statistics Act, and shall not without authority, reveal any information acquired by virtue of my duties, nor, until information is made public, directly or indirectly use it for personal gain.

*Fourth Schedule.*

ss. 3, 13, 14.

**Matters relating to which statistical information may be collected, compiled, analysed, abstracted and published.**

1. Population
2. Housing
3. Vital occurrences and mortality
4. Migration
5. Internal and external trade
6. Agriculture, including animal husbandry, horticulture and allied industries
7. Land tenure and the occupation and use of land
8. Forestry and logging
9. Hunting and fishing
10. Mining and quarrying, including the prospecting of metallic,

- nonmetallic and natural gaseous substance and petroleum
11. Manufacturing, building, construction and productive industries generally
  12. Fuel and power
  13. Distributive trades
  14. Banking, insurance and finance generally
  15. Transport and communications
  16. Commercial and professional undertakings
  17. Community, recreational and personal services
  18. Local government
  19. Social welfare and education
  20. Labour, including industrial disturbances and disputes, and industrial injuries, accidents and compensation
  21. Health
  22. Employment and unemployment
  23. Salaries, wages, bonuses, fees, allowances and other payments and honoraria for services rendered
  24. Income, earnings, profits and interest
  25. Personal expenditure and consumption
  26. Savings
  27. Capital investment
  28. Stocks of manufactured and unmanufactured goods
  29. Wholesale and retail prices and costs of living
  30. External finance and all matters appertaining to a balance of payments
  31. Tourism
  32. Environment
  33. Nongovernmental organisations
  34. Others as approved by the board

**History:** Act 12/1998.