

CHAPTER 422**MALTA STATISTICS AUTHORITY ACT**

AN ACT to provide for the establishment of an Authority to be known as the Malta Statistics Authority, and for the exercise by or on behalf of that Authority of regulatory functions regarding resources relating to the collection, compilation and publishing of official statistics, and to make provision with respect to matters ancillary thereto or connected therewith.

1st March, 2001

ACT XXIV of 2000, as amended by Act XXXII of 2007; and Legal Notices 426 of 2007 and 105 of 2008.

PART I**PRELIMINARY**

- 1.** The short title of this Act is the Malta Statistics Authority Act. Short title.
- 2.** In this Act unless the context otherwise requires - Interpretation.
Amended by:
XXXII. 2007.15.
 - “advisory committee” or “committee” mean an advisory committee established in accordance with article 33;
 - “Authority” means the Malta Statistics Authority established by article 3;
 - “Chairperson” means the Chairperson of the Authority and includes, in the circumstances mentioned in article 5(2), the Deputy Chairperson or other person appointed to act as chairperson:
 - Provided that in relation to article 34, “Chairperson” means the Chairperson of an advisory committee;
 - “confidential data” means data obtained by the National Statistics Office for the production of official statistics when such data allows statistical units to be identified directly or indirectly, thereby disclosing individual information;
 - “copy” means the reproduction of a record or any part thereof by writing, photocopying, electronic or any other means;
 - “Director General” means the person so appointed by virtue of article 9;
 - “directorates” means any such directorates as may be established by regulations made under article 42;
 - “employee” means a person employed by the Authority;
 - “financial year” means any period of twelve months ending on the 31st December:
 - Provided that the financial year which commenced on the 1st October, 2007 shall be for a period of fifteen months and shall terminate on the 31st December, 2008;
 - “functions” includes powers and duties;
 - “impartiality” means the objective and independent manner of producing official statistics free from any pressure from political or

other interest groups, particularly as regards the selection of techniques, definitions and methodologies best suited to the attainment of the objectives as set out; it implies the availability of statistics to all users;

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“local council” means a council set up under the Local Councils Act;

“Malta” has the same meaning as is assigned to it by article 124 of the Constitution;

“Minister” means the Minister responsible for statistics;

“Office” means the National Statistics Office established by article 9;

“official statistics” means information obtained by processing data in order to characterize collective phenomena in a considered population in the framework of implementation of the business plan of the Office;

“population” means any set or subset of statistical units, whether such units are natural persons, legal persons or any other economic unit;

“premises” includes any dwelling, building, place, vessel or aircraft within or on territory which falls under the jurisdiction of Malta;

“prescribed” means prescribed by regulations or orders made under this Act;

“production of official statistics” means all the activities necessary for the preparation, collection, storage, processing, compilation, analysis and dissemination of statistical information;

“public authority” means any government department, local council, official board or committee and any other public body established by law;

“public officer”, in relation to article 12, has the same meaning as is assigned to it by article 124 of the Constitution, but does not include a Judge of the Superior Courts or a Magistrate of the Inferior Courts;

“record” includes any paper, photographic, electronic, or other mode of recording or storing information and any form, schedule, questionnaire, or any other such document;

“reliability” means that the statistics shall reflect as faithfully as possible the reality which they are designed to represent; it implies that scientific criteria are used for the selection of sources, methods and procedures;

“statistics” includes, in addition to numerical data, all other information which is necessary for the collection, compilation, analysis and interpretation of data;

“transparency” means the rights of respondents to have information on the legal basis under which the data is required and the protective measures adopted to protect the identity of the respondent;

“undertaking” means any economic unit and includes institutions, groups of undertakings and associates, whether private or public.

PART II

ESTABLISHMENT, FUNCTION AND CONDUCT OF AFFAIRS OF THE AUTHORITY

3. (1) There shall be a body, to be known as the Malta Statistics Authority, which shall exercise and perform the functions assigned to it by this Act. Establishment of the Malta Statistics Authority.

(2) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

4. The legal and judicial representation of the Authority shall be vested in the Chairperson of the Authority: Legal and judicial representation.

Provided that the Authority may from time to time appoint any one or more of its members, or any one or more of its officers or employees, to appear in its name and on its behalf in any judicial proceedings or on any act, contract, instrument or other document whatsoever.

5. (1) The Authority shall be composed as follows: Composition of the Authority.

- (a) a chairperson appointed by the Minister;
- (b) the Director General *ex officio*;
- (c) six other members, who shall have the necessary technical competence in the domain of statistics, to be appointed by the Minister, being -
 - (i) one member, after consultation with the Central Bank of Malta;
 - (ii) one member, after consultation with the trade union movement, as represented on the Malta Council for Economic Development;
 - (iii) one member, after consultation with the University of Malta;
 - (iv) one member, after consultation with the business community, as represented on the Malta Council for Economic Development; and
 - (v) two members, being professionals in the field of statistics, so appointed by the Minister.

(2) The Minister may designate one of the appointed members of the Authority as Deputy Chairperson and the member so designated shall have all the powers and perform all the functions of the Chairperson during his absence or inability to act as chairperson or while the Chairperson is on vacation or during any

vacancy in the office of chairperson; and the Minister may also, in any circumstances aforesaid, appoint another person to act as Chairperson and in such case the foregoing provisions shall apply in respect of such person.

(3) The members of the Authority, other than the Director General, shall be appointed by the Minister for a term of one year or for such longer period as may be specified in the instrument of appointment, subject to a maximum of three years, but the members so appointed may be re-appointed on the expiration of their term of office.

- (4) (a) The Authority shall appoint one of its officers to act as secretary for such period as it shall deem appropriate.
- (b) It shall be the duty of the secretary to make the necessary preparations for the meetings of the Authority and to keep minutes of those meetings.
- (5) (a) A person shall not be eligible to be appointed or to hold office as Chairperson or as a member of the Authority if he -
- (i) is a Minister, Parliamentary Secretary, a member of the House of Representatives, or a member of any Local Council; or
 - (ii) is a Judge or a Magistrate of the Courts of Justice; or
 - (iii) is legally incapacitated; or
 - (iv) has been declared bankrupt or has made a composition or arrangement with his creditors; or
 - (v) has committed an offence involving fraud or other dishonesty, or has contravened any provision of law designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons involved in business activities or in carrying on a profession, or has engaged in any business practice appearing to the Minister to be deceitful or oppressive or otherwise improper (whether unlawful or not) or which otherwise reflects discredit on his method of conducting business or his profession; or
 - (vi) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Authority:

Provided that the Minister may waive the disqualification of a person under this paragraph if such person declares the interest and such declaration and waiver are published in the Gazette; or
 - (vii) is otherwise not a fit and proper person to hold that office.
- (b) In determining whether a person is a fit and proper

person under paragraph (a)(vii), the Minister shall have regard to that person's probity, to his competence and soundness of judgment for fulfilling the responsibilities of that office, to the diligence with which he is fulfilling or is likely to fulfil those responsibilities and to whether the interest of any person are, or are likely to be in any way threatened, by his holding that office.

- (c) Any person whom the Minister has appointed or proposes to appoint as a member of the Authority shall, whenever requested by the Minister to do so, furnish to him such information as the Minister considers necessary for the performance of the Minister's duties under paragraphs (a) and (b).
- (d) A member of the Authority may be relieved from office by the Minister on the ground of inability to perform the functions of his office, whether due to infirmity of mind or of body, or to any other cause, or of misbehaviour; and for the purposes of this paragraph repeated and unjustified non-attendance at meetings may be deemed to amount to misbehaviour.
- (e) The names of all the members of the Authority and any change in such membership shall be published in the Gazette.
- (f) Any member of the Authority, other than the Director General, may resign from office by letter addressed to the Minister.

(6) Any member of the Authority who has any direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose the nature of his interest, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

(7) If a member resigns or if the office of a member of the Authority is otherwise vacant or if a member is for any reason unable to perform the functions of his office, the Minister may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Authority; and any person so appointed shall, subject to the provisions of subarticle (5), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(8) The Chairperson and members of the Authority, except the Director General, shall be paid such *honoraria* as the Minister may determine.

Conduct of the affairs of the Authority.

6. (1) Subject to any other provisions of this Act, the Authority may regulate its own procedure.

(2) The Authority shall meet at least twice every calendar quarter.

(3) The Authority may exercise its functions notwithstanding any vacancy in its membership, as long as such vacancies do not exceed three in number.

(4) Meetings of the Authority shall be convened by the Chairperson or, in his absence, by the Deputy Chairperson, either on his own initiative or at the written request of any three of the other members of the Authority.

(5) Decisions shall be taken by a simple majority of votes of the members present and voting. The Chairperson or, in his absence, the Deputy Chairperson, or other person appointed to act as chairperson, shall have an initial vote and, in the event of an equality of votes, a casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid unless it is supported by at least three members of the Authority.

(6) Subject to the foregoing provisions of this article, no act or proceeding of the Authority shall be invalidated merely by reason of the existence of any vacancy among the members.

(7) All acts done by any person acting in good faith, as a member of the Authority, shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of the Authority shall be questioned on the ground of the contravention, by a member, of the provisions of article 5(6).

Functions of the Authority.

7. (1) The Authority shall have the following functions:

- (a) to examine and submit, for the approval of the Minister, the business plan and financial estimates drawn up by the Director General for the administration of the Office;
- (b) to regulate and to generally supervise the production of official statistics in accordance with international requirements and standards;
- (c) to discuss and advise on statistical matters, including methodologies, relating to the collection, compilation and dissemination of statistics;
- (d) to establish priorities in responding to the demand for official statistics;
- (e) to liaise between the Office and other public bodies concerning the supply of data and the coordination of activities with statistical implications;
- (f) to publish the business plan after its approval by the Minister and the Minister of Finance;
- (g) to disseminate the knowledge of official statistics;
- (h) to consider and comment where necessary on the yearly report submitted by the Director General on the

work of the Office as required by article 9(5)(g).

(2) For the better performance of its functions, the Authority may establish contacts and forms of collaboration and understandings with other local and foreign statutory bodies, government departments, international organisations, and other entities which exercise regulatory, supervisory or licensing powers, under any law in Malta or abroad or which are otherwise engaged in gathering statistics, which could be directly or indirectly beneficial to the Authority.

(3) The members of the Authority, other than the Director General, shall not have access to confidential information pertaining to any individual person, household or undertaking unless they are appointed officers of statistics as defined in article 11.

(4) Nothing in subarticle (1) shall be construed as enabling the Authority to exercise any power or function already assigned to the Director General under this Act.

(5) The members of the Authority shall not take instructions from the Government or any other authority, political parties or any other interest groups, in the selection of data sources, statistical methods and procedures, in the contents, form and time of dissemination, and in the application of statistical confidentiality.

8. (1) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Authority directions in writing of a general character, not inconsistent with the provisions of this Act, on the policy to be followed in the carrying out of the functions vested in the Authority, by or under this Act, and the Authority shall, as soon as may be, give effect to all such directions.

Relations between the Minister and the Authority.

(2) The Authority shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(3) If the Authority fails to comply with any directions issued under this article, the Prime Minister may make an order transferring to the Minister in whole or in part any of the functions of the Authority.

9. (1) There shall be established an office to be designated as the National Statistics Office, hereinafter referred to as the "Office".

Establishment of the National Statistics Office and appointment of Director General.

(2) There shall be a Director General who shall head the Office and who shall have the legal representation thereof.

(3) The Director General shall be a person with professional qualifications, recognised competence and reputation in the domain of statistics, and shall be appointed by the Authority following consultation with the Minister for a period of three years; such period may be extended for further periods of three years each:

Provided that the first Director General shall be appointed by the Minister for an initial period of five years.

(4) The Director General shall be responsible for and shall carry out the day-to-day operations of the Office within the Authority in accordance with the general lines of policy established by the Authority from time to time.

(5) The Director General shall discharge his duties relating to the Office autonomously. In the performance of his duties, the Director General shall -

- (a) maintain the integrity and validity of official statistics and public confidence in them;
- (b) decide, on the basis of professional and ethical considerations, the scope and purpose of the statistics provided for in the business plan, and on the methods and procedures for the collection, compilation, storage, presentation and publication of data;
- (c) be responsible for the observance of the provisions of this Act relating to confidentiality;
- (d) ensure that the Office is equipped with the necessary information technology facilities for the efficient processing of statistical information;
- (e) draw up draft business plans in accordance with Government norms and procedures;
- (f) represent the Office in international agencies and organisations;
- (g) submit an annual report on the work of the Office to the Authority;
- (h) develop the necessary strategies for the implementation of the objectives of the Authority;
- (i) advise the Authority on any matter it may refer to him or on any matter which he considers necessary or expedient; and
- (j) carry out such other duties as the Authority may assign to him from time to time.

Functions of the Office.

10. (1) The functions of the Office shall be the collection, compilation, extraction and release of official statistics relating to demographic, social, environmental, economic and general activities and conditions of Malta as specified in the First Schedule.

(2) The Office shall -

- (a) provide on an impartial basis, quantitative and representative information about the economic, demographic, gender issues, social and environmental situation in Malta, to all users including the Parliament, the Government, institutions, social and economic operators, academic institutions and bodies and the general public; where possible such data should be provided on a regional basis;
- (b) produce the data, and shall be subject to the principles

of reliability, objectivity, relevance, statistical confidentiality, transparency, specificity, and proportionality. Moreover, the Office shall produce statistics which shall aim to mirror as faithfully as possible the real situations, disseminate the results to the public and the users thereof in a neutral and impartial way, focus on the phenomena which are essential for decision makers and honour the citizens' right to public information. Individual information in identifiable form, collected for statistical purposes, shall not be used for other purposes than as provided for in this Act;

- (c) supply the information necessary to evaluate the quality of official statistics, and make accessible to the public the methods used for their production, and how the principles, under which such statistics are gathered, are complied with;
- (d) provide such technical explanations of the result so as to avoid erroneous interpretation;
- (e) conduct research on and further develop statistical methodology and technology;
- (f) monitor and coordinate the carrying out of tasks with statistical implications imposed on other public bodies;
- (g) coordinate the production of official statistics' systems, including the necessary methodologies, with a view to ensuring timelines and standardisation of information, efficiency and to meeting users' requirements; as well as to provide appropriate classifications and conformity with international requirements and standards;
- (h) collect the necessary information, compile the results at appropriate levels and break-downs, and disseminate them to users.

PART III

OFFICERS AND EMPLOYEES OF THE AUTHORITY

11. Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Authority shall be made by the Authority. The terms and conditions of employment shall be established by the Authority with the concurrence of the Minister.

Staff appointments.

12. (1) The Authority shall appoint and employ, at such remuneration and upon such terms and conditions as it may, in accordance with article 11, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Appointment and functions of officers and employees of the Authority.

(2) The members of the Authority, all officers and employees of the Authority and the members of advisory committees shall be

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deemed to be public officers within the meaning of the Criminal Code.

(3) The Minister and the members of the Authority and its officers shall not, for a period of one year following the termination of their appointment or office, engage in any activity which, in accordance with the provisions of article 5(5)(a)(vi), would disqualify a person from holding office as a member of the Authority.

Detailing of public officers for duty with the Authority.

13. (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the direction.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

Status of public officers detailed for duty with the Authority.

14. (1) Where any officer is detailed for duty with the Authority under any of the provisions of article 13, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority, but he shall for all other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not, during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and under the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and shall be liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the

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(3) Where an application is made as provided in subarticle (2)(a)(i), the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister of Finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

15. (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under any of the provisions of article 13 permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister, offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Authority offered to him under the provisions of subarticle (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act and, saving the provisions of subarticle (6), be deemed to have ceased to be in the service of the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

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(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

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(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister of Finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) For the purpose of the Pensions Ordinance, the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the officer retires for the Authority.

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(7) (a) For the purposes of this article, posts and salary grades with the Authority shall be classified in the most

nearly corresponding grades and incremental levels in the service under the Government by reference to job description, skills, responsibilities and other analogous factors.

- (b) The classification referred to in paragraph (a) shall be carried out by a board composed of a Chairperson appointed by the Minister of Finance and two other members, one appointed by the Minister responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister of Finance.
- (c) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or, of employees of the Authority.
- (d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister of Finance may from time to time by notice in the Gazette determine.
- (e) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

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Appointment of temporary persons.

16. (1) The Authority may, in writing, appoint persons for a specified duration to perform statistical work of any nature which may necessitate access to data collected under the provisions of this Act.

(2) The person so appointed in pursuance of this article shall discharge any specific duties and function as may be assigned to him under this article and by the Authority in his letter of appointment.

Oath of secrecy.

17. Every person appointed as an officer of statistics shall, before assuming such duties, subscribe to the oath contained in the Second Schedule.

Certificate of appointment.

18. (1) Every officer of statistics who, under this Act, is entitled -

- (a) to require the completion and return of any document or the provision of any information orally or in writing from any person or undertaking; or
- (b) to inspect, copy or take extracts from, collect or receive any documents relating to any person or undertaking; or
- (c) to enter any premises,

shall be provided with a certificate of appointment signed by, stamped or printed with, the name of the Director General.

(2) An officer of statistics acting under this article shall on demand produce his certificate of appointment for inspection.

PART IV**FINANCIAL PROVISIONS**

19. (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that so much of the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

Authority to meet expenditure out of revenue.

(2) For such purpose the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law related to the powers and functions of the Authority.

(3) The Authority shall also be paid by the Government out of the Consolidated Fund such sums as the House of Representatives, hereinafter referred to as the "House", may from time to time authorise to be appropriated to meet any of its expenditure that cannot be met out of its revenue and the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or of a similar capital nature.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister of Finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this subarticle, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with subarticle (2) or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

20. (1) For the purpose of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister, given after consultation with the Minister of Finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

Power to borrow or raise capital.
Amended by:
L.N. 426 of 2007.

(2) The Authority may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (116,468.67), there shall be required the written approval of the Minister.

21. The Minister of Finance may, after consultation with the Minister, make advances to the Authority of such sums as he may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister

Advances from the Government.

of Finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Borrowing from
the Government.

22. (1) The Minister of Finance may, for any requirements of the Authority of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under subarticle (1) shall be given to the House as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subarticle (1), or for the purpose of providing the Authority with working capital, the Minister of Finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Statistics Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under subarticle (3) shall be paid, in respect of amounts by way of repayment, into the Treasury Clearance Fund, and, in respect of amounts received by way of interest, into the Consolidated Fund.

Estimates of the
Authority.

23. (1) The Authority shall cause to be prepared in every financial year, and shall not later than six weeks after the end of each such year adopt, estimates of the income and expenditure of the Authority for the next following financial year:

Provided that the estimates for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous estimates as the Minister of Finance may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to

the Minister of Finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the Authority, approve the same with or without amendment after consultation with the Minister of Finance.

24. (1) No expenditure shall be made or incurred by the Authority unless provision therefor has been made in the estimates approved as provided in article 23.

Expenditure to be according to approved estimates.

(2) Notwithstanding the provisions of subarticle (1) -

- (a) until the expiration of six months from the beginning of a financial year, or until the approval of the estimates for that year, whichever is the earlier date, the Authority may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved for the preceding financial year;
- (b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, given after consultation with the Minister of Finance, be made or incurred in respect of another head or sub-head of the estimates;
- (c) in respect of the first financial year, the Authority may make or incur expenditure not exceeding in the aggregate such amounts as the Minister of Finance may, after consultation with the Minister, allow;
- (d) if in respect of any financial year it is found that the amount approved in the estimates is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the Minister, and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

25. The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates and supplementary estimates of the Authority, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid on the Table of the House.

Publication of approved estimates.

26. (1) The Authority shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by the Authority and approved by the Minister:

Provided that the Minister of Finance may, after consultation with the Minister, require the books and accounts of the Authority to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other certifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the Authority are forwarded to the Minister under article 23, the Authority shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister of Finance together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(4) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of every such statement and report, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause every such statement and report to be laid on the Table of the House.

Deposit of revenues and payments by the Authority.

27. (1) All monies accruing to the Authority shall be paid into a bank or banks appointed as bankers of the Authority by a resolution of the Authority. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the Authority may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the Authority, other than petty disbursements not exceeding a sum fixed by the Authority, shall be made by such officer or officers of the Authority as the Authority shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairperson, or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to -

- (a) the manner in which and the officer or officers by whom payments are to be authorised or approved;
- (b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account to the other;
- (c) the method to be adopted in making payments out of funds of the Authority,

and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finances, of the Authority.

Contracts of supply or works.
Amended by:
L.N. 426 of 2007;
L.N. 105 of 2008.

28. Without prejudice to any directions communicated by the Minister under article 8(1), the Authority shall not, except with the approval of the Minister granted for special reasons and after consultation with the Minister of Finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to exceed seven thousand euro (7,000) or such other amount as the Minister of Finance may by regulations prescribe, except after notice of the intention of the Authority to enter into the contract has been

published and competitive tenders have been issued.

29. The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister of Finance a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of the Authority as either of the said Ministers may from time to time require. The Minister shall, at the earliest opportunity, and not later than eight weeks after he has received a copy of every such report, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session, cause a copy of every such report to be laid on the Table of the House.

Annual report.

PART V

TRANSFER OF CERTAIN ASSETS TO THE AUTHORITY

30. (1) (a) The property and undertakings owned by the Government and used by it, immediately before the date of the coming into force of this Part of this Act, and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, on the date aforesaid, by virtue of this Act and without further assurance, be transferred to and be vested in the Authority under the same title by which they were held by the Government immediately before the said date. The provisions of this paragraph shall not apply to immovable property.

Transfer of assets to the Authority.

(b) The immovable assets from time to time specified in an order made by the President of Malta and published in the Gazette (hereinafter referred to as “the immovable assets”) being immovable assets which, immediately before the coming into force of this Part of this Act, were owned by the Government and used by it for the operation of any of the functions which by this Act are being transferred to or vested in the Authority shall, with effect from such day as may be specified in any such order, and by virtue of this Act and without any further assurance, be transferred to and vested in the Authority under the same title by which they were held by the Government before such day.

(2) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality of the aforesaid, shall include all plant, equipment, apparatus, instruments, vehicles, craft, buildings, structures, installations, land, roads, works, stocks and other property, movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid.

Construction of laws, etc.

31. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of this Part of this Act, affecting or relating to any of the properties or undertakings transferred to the Authority by or under this Act, shall have full force and effect against or in favour of the Authority, and shall be enforceable freely and effectually, as if instead of the Government or governmental authority the Authority had been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

Transitory provisions.

32. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Part of this Act, and such thing relates to any of the properties or undertakings or any right or liability transferred to the Authority by or under this Act, such thing may be carried on and completed by or as authorised by the Authority.

(2) Where, immediately before the coming into force of this Part of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under this Act, the Authority shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Authority by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Authority by this Act and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Authority.

PART VI

ADVISORY COMMITTEES

Appointment and functions of advisory committees.

33. (1) The Minister may from time to time appoint advisory committees in respect of such sector or sectors as he may determine.

(2) An advisory committee shall, for the better carrying out of the provisions of this Act, advise the Authority on such matters and perform such other functions as the Minister may specify in the instrument of appointment.

(3) The members of the committee shall be appointed by the Minister and shall hold office for such period and on such terms and conditions as the Minister may deem appropriate.

(4) Each committee shall consist of one member representing

the Authority as Chairperson and such other members as the Minister may deem fit to appoint.

(5) The provisions of articles 5(5)(a) and (b) and 5(6) shall, *mutatis mutandis*, apply to the members of the advisory committees.

(6) Each advisory committee shall keep minutes of all meetings and shall forward copies of such minutes to the Authority.

34. (1) The meetings of advisory committees shall be called by the Chairperson as often as may be necessary but at least once a month either on his own initiative or at the request of any two of the other members.

Provisions with respect to proceedings of advisory committees.

(2) Half the number of members for the time being constituting an advisory committee shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson or, in his absence, the Deputy Chairperson or other person appointed to act as chairperson, shall have an initial vote and, in the event of an equality of votes, a casting vote. Without prejudice to the other requirements of this Act, no decision shall be valid which is not supported by at least two members of the advisory committee.

(3) Subject to the provisions of this Act, an advisory committee may regulate its own procedure.

(4) Subject to the foregoing provisions of this article, no act or proceeding of an advisory committee shall be invalidated merely by reason of the existence of any vacancy among the members.

(5) Any member of an advisory committee who has any direct or indirect interest in any contract made or proposed to be made by the Authority, not being an interest which disqualifies such member from remaining a member, shall, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose the nature of his interest, and the member having an interest as aforesaid shall withdraw from any meetings at which such contract is discussed. Any such disclosure shall be communicated to the Minister without delay. Where the interest of the member is such as to disqualify him from remaining a member, he shall report the fact immediately to the Minister and tender his resignation.

(6) All acts done by any person acting in good faith, as a member of an advisory committee shall be valid as if he were a member notwithstanding that some defect in his appointment or qualification be afterwards discovered. No act or proceeding of an advisory committee shall be questioned on the ground of the contravention, by a member, of the provisions of subarticle (5).

PART VII

COLLECTION OF INFORMATION AND ACCESS TO RECORDS.

35. The Director General may prepare forms, questionnaires and other records for the collection of information under this Act and the instructions necessary for their proper completion, and

Collection of information.

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| Provision of information. | <p>shall specify the date or period within which these completed forms, questionnaires and other records or the required information shall be returned to the Authority.</p> <p>36. (1) Notwithstanding anything contained in any other law enjoining secrecy, the Director General or an officer of statistics may, for the purposes of obtaining statistical information relating to any matter specified in the First Schedule, require any person or undertaking to -</p> <ul style="list-style-type: none">(a) complete a form, questionnaire or other record;(b) answer any questions; and(c) provide any information or records, <p>and any information so obtained shall be subject to the restrictions on use and prohibition on disclosure of information specified in articles 40 and 41.</p> <p>(2) In prescribing a requirement on persons and undertakings to provide information under subarticle (1), the Director General shall specify in particular -</p> <ul style="list-style-type: none">(a) the general nature of the information required;(b) the frequency with which it is to be provided; and(c) the persons or undertakings, or classes of persons or undertakings, required to provide it. <p>(3) In the case of the holding of any census of population and housing, the relevant order shall be prescribed by the Prime Minister, acting on the advice of the Authority.</p> |
| Requests for information. | <p>37. (1) For the purposes of article 36, a request to provide information shall be sufficient -</p> <ul style="list-style-type: none">(a) in the case of an individual person, if a notice addressed to that person is delivered to his last known place of residence, employment or business;(b) in the case of an undertaking, if a notice is delivered to the premises from which it operates or conducts its affairs using its trading name, or to any individual person involved in its management, including a receiver or liquidator or administrator, at his place of business or residence. <p>(2) Where the information which a person or undertaking claims to have provided in compliance with a request by the Director General is not in possession of the Office, the Director General may by delivery of a further notice direct that person or undertaking to provide that information.</p> |
| Access to records. | <p>38. Notwithstanding anything contained in any other law enjoining secrecy, any person or undertaking who holds records from which, in the opinion of the Director General, information relating to matters specified in the First Schedule can be obtained, shall grant to the Director General or an officer of statistics access to such records for obtaining the said information.</p> |

PART VIII

USE OF RECORDS OF PUBLIC AUTHORITIES AND
PROTECTION OF COLLECTED INFORMATION

39. (1) The Director General may - Access to records.

(a) on delivery of a notice, request any public authority to allow officers of statistics at all reasonable times to access, to inspect and to take copies of or extracts from any records in its charge; and

(b) request any public authority to consult and cooperate with him for the purpose of assessing the potential of the records of the authority as a source of statistical information and, where appropriate and practicable, developing its recording methods and systems for statistical purposes, and the public authority shall comply with any such request, in so far as resources permit.

(2) If any public authority intends to carry out activities with statistical implications, it shall consult, for coordination, with the Office and accept any recommendations the Office may make.

40. All information furnished by any person, undertaking or public authority under this Act shall be used only for the purpose of statistical compilation and analysis. Restrictions on use of information.

41. (1) No information obtained in any way under this Act which can be related to an identifiable person or undertaking shall, except with the written consent of that person or undertaking or the personal representative or next-of-kin of that person, if he be deceased, be disseminated, shown or communicated to any person or body except - Prohibition of disclosure of information.

(a) for the purposes of a prosecution for an offence under this Act, or

(b) to officers of statistics in the course of their duties under this Act.

(2) The Minister may, with the concurrence of the Authority, by regulations, from time to time, prescribe such further prohibition on the disclosure of identifiable records or information obtained under this Act, as he may deem appropriate.

42. (1) The Minister may, after consultation with the Authority, by order add to, vary, or amend the First Schedule. Power to make regulations.

(2) The Minister may, after consultation with the Authority, make regulations in respect of any of the functions of the Authority, for the establishment of directorates which may be required to be established under this Act, and for the better carrying out of any of the provisions of this Act.

PART IX

OFFENCES AND PENALTIES

Administrative penalties.
Amended by:
L.N. 426 of 2007;
L.N. 105 of 2008.

43. (1) The Authority may impose administrative penalties amounting to -

- (a) one hundred and fifteen euro (115) on any person for failure to respect the deadline for the provision of information laid down pursuant to article 36; and
- (b) two hundred and thirty euro (230) on any person who fails, refuses to provide, or provides incorrect information, on any requested information in response to a request from the Director General under the provisions of article 36 or 39.

(2) (a) Any person who, being required to furnish a questionnaire for a particular period, does not furnish that questionnaire within the time laid down in the relevant questionnaire shall be liable to an administrative penalty of one hundred and fifteen euro (115), for every month or part thereof that elapses from the date by which the questionnaire should have been furnished.

(b) Any person who receives a questionnaire, but is no longer subject to answering that questionnaire, shall so inform the Office. Failure to inform the Office as aforesaid will render such person liable to an administrative penalty of one hundred and fifteen euro (115), for every month or part thereof that elapses from the date by which the questionnaire should have been furnished.

(3) Any administrative penalty to which a person becomes liable in terms of this Act shall be due and payable by that person, and that person shall not be relieved from a higher or from a further penalty to which he may have become or may become liable in terms of the relevant provisions of this Act.

(4) A penalty under subarticle (1) shall again become due when a new deadline is set by the Office for compliance. Penalties under subarticle (2) shall accrue until the information required is provided.

(5) In special cases, where there are very compelling reasons to do so, the Authority may waive compulsory penalties wholly or in part.

(6) Administrative penalties shall be due to the Authority as a civil debt, and the provisions of article 466 of the Code of Organization and Civil Procedure, shall, *mutatis mutandis*, apply thereto.

Cap. 12.

Offences.
Amended by:
L.N. 426 of 2007;
L.N. 105 of 2008.

44. Without prejudice to any other liability under any other law, any person who -

- (a) wilfully prevents or obstructs the Director General or any other officer of statistics from carrying out his

duties under the provisions of this Act; or

- (b) misuses information provided under this Act or wilfully discloses information relating to any identifiable person or undertaking; or
- (c) not being an officer of statistics, represents himself as being an officer of statistics; or
- (d) wilfully destroys, damages or falsifies any document or record issued for the collection of statistics in compliance with a requirement made under article 35,

shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than two thousand and three hundred euro (2,300), or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

45. Without prejudice to any other liability under any other law, any officer of statistics who -

- (a) acts in contravention of the oath referred to in article 17; or
- (b) in the pretended performance of his functions as such officer, obtains or attempts to obtain, from a person or undertaking, any information which he is not lawfully entitled to obtain from that person or undertaking; or
- (c) wilfully fails to return to the Office a document or record collected from a person or undertaking under this Act, or fails to keep any document or record containing information, collected under this Act, in his custody in such manner as to ensure that unauthorised persons will not have access thereto,

shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand and three hundred euro (2,300) or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Unlawful exercise
of public function.
Amended by:
L.N. 426 of 2007;
L.N. 105 of 2008.

PART X

SAVING

46. (1) Any subsidiary legislation made under the Statistics Act, repealed by this Act, shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if made under this Act.

(2) Any authority or order granted or made under any of the provisions of the repealed Act, and still in force immediately before the coming into force of this Act, shall continue in force thereafter as if it were an authority or order granted or made under a corresponding provision of this Act, and any such authority or order as aforesaid shall be treated and dealt with accordingly.

(3) All data collected under the repealed Act shall be construed as data collected under the corresponding provisions of this Act, and shall be subject to the restrictions on use and prohibition on disclosure of information specified in articles 40 and

Saving.
Cap. 142.

41.

FIRST SCHEDULE

(Articles 10(1), 36(1), 38, and 42(1))

**Matters in respect of which statistics may be collected,
prepared and published**

- (a) Population and housing.
- (b) Immigration and emigration, internal and external passenger movement and tourism.
- (c) Vital occurrences, morbidity, health and nutrition.
- (d) Social matters including education, sports, public entertainment, social security and welfare, criminal and judicial matters, juvenile delinquency, public information, public administration and government.
- (e) Land tenure, occupation and condition of land and the produce thereof, occupation and condition of buildings, rent payable or receivable in respect of land and buildings and the annual value of land and buildings.
- (f) Environmental and related statistics.
- (g) Primary and secondary production, including construction, building, personal and other services, power, machinery, transport equipment, water and electricity.
- (h) Industry and merchandising.
- (i) Stocks of manufactured and unmanufactured goods.
- (j) Livestock.
- (k) Imports and exports.
- (l) Trade and commerce.
- (m) Transport and communication in all forms by land, water and air, including post, telephones, telegraph, radio and electronic transmission, and includes e-commerce and the use of the internet.
- (n) Occupations, employment, unemployment and payrolls.
- (o) Salaries, wages, hours and conditions of work.

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- (p) Industrial disturbances and disputes.
 - (q) Injuries, accidents and compensation.
 - (r) Wholesale and retail prices and cost of living.
 - (s) Banking and finance, including external balance of payments.
 - (t) Associations, including voluntary associations, societies or corporations for profit or otherwise.
 - (u) Marine, fire, life, accident and other insurance.
 - (v) Incomes, earnings, profits, interests, fees and other payments for services rendered.
 - (w) National income, output and expenditure and capital formation.
 - (x) Broadcasting and audiovisual works.
 - (y) Any other matter so determined by the Director General, except for opinion poll, after consultation with the Authority, and as established by a Legal Notice.

SECOND SCHEDULE

(ARTICLE 17)

Form of Oath

I, swear/solemnly affirm that I will fully and honestly fulfil my duties as an officer of statistics in conformity with the requirements of the Malta Statistics Authority Act, 2000, and of all orders made thereunder, and that I will not, except in the performance of my duties under that Act and such orders, disclose or make known during my service as an officer of statistics or at any time thereafter, any matter which comes to my knowledge relating to any person, household or undertaking by reason of my service as an officer of statistics. (So help me God.)
