

Seychelles

## Census Act

Act 8 of 1959

Legislation as at 30 June 2012

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# Seychelles

## Census Act Act 8 of 1959

Commenced on 4 May 1959

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 8 of 1959; S.I. 95 of 1975; S.I. 72 of 1976 Act [23 of 1976](#)]*

### 1. Short title

This Act may be cited as the Census Act

### 2. President may order census to be taken

- (1) The President may, by proclamation\*, order a census to be taken in Seychelles, and the provisions of this Act and of any regulations made thereunder shall apply to such census.
- (2) It may be ordered that the census be taken for any or all of the following purposes:—
  - (a) The enumeration of persons within Seychelles and the collection of statistics relating to them;
  - (b) The collection of agricultural, industrial, educational, medical or other statistics.
- (3) The President may, in any proclamation issued under subsection (1), direct a general survey to be made or direct that the survey shall be limited to any specific purpose, or direct that the survey be made in the whole or any part of Seychelles.

### 3. Appointment of census staff

The President may appoint a Census Commissioner\*\* to supervise the taking of the census and such census officers as may be required.

### 4. Status of census authorities

The Census Commissioner and all census officers shall be deemed to be public officers for the purposes of the Public Officers (Protection) Act.

### 5. Discharge of duties as census officers in certain cases

- (1)
  - (a) Every person having charge or control of a ship or vessel in any harbour, anchorage or roadstead in Seychelles;
  - (b) every person in charge of a lunatic asylum, hospital, leper settlement, pauper institute, prison, reformatory or lock-up, or any public, charitable, religious or educational institution;
  - (c) every keeper, secretary or manager of any hotel, boarding-house or club;
  - (d) every manager of any commercial or industrial establishment; and
  - (e) every owner, leaseholder or manager of any island,

shall, if so required by the Census Commissioner, perform such of the duties of a census officer in relation to the persons who, at the time of taking the census, are under his command or charge, or are living on his property or in the institution under his charge, or are employed under him, as the Census Commissioner may, by written order, direct.

- (2) All the provisions of this Act relating to census officers shall apply *mutatis mutandis* to all such persons while performing such duties under this section.
- (3) No ship or vessel, whether registered in Seychelles or not, but normally engaged in the local coasting trade and carrying inhabitants of Seychelles as passengers or crew, which shall be in any harbour, anchorage or roadstead in Seychelles during the night of the day fixed as the central date for taking the census, shall be allowed to leave Seychelles unless the questionnaire of the census enumeration has been delivered, duly completed for every person on board, to the Collector of Customs or other person nominated by him to act in his behalf.

## 6. Occupier to permit access and affixing of numbers

Every person occupying any property, house, enclosure, vessel or other place shall allow census officers such access thereto as they may require for the purpose of the census, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

## 7. Asking of questions and obligation to answer

- (1) A census officer may ask all such questions of all persons within the limits of the local area for which he is appointed as shall be necessary for the performance of his duties under this Act.
- (2) Every person of whom any question is asked under subsection (1) shall be legally bound to answer such question to the best of his knowledge and belief.

## 8. Offences and penalties

- (a) A census officer or any person lawfully required under [section 5](#) to give assistance towards the taking of the census, who refuses to perform or neglects to use reasonable diligence in performing any duties imposed upon him by this Act or any person who hinders or obstructs another person in performing such duty or in obeying a written order of the Census Commissioner; or
- (b) any census officer who intentionally puts any offensive or improper question, or knowingly makes any false return or, without previous sanction of the Census Commissioner, discloses any information which he has received by means of, or for the purpose of a census return; or
- (c) any person occupying any property, house, enclosure, vessel or other place who refuses to allow a census officer reasonable access as he is required by [section 6](#) to allow; or
- (d) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any questions asked of him by a census officer which he is legally bound by [section 7](#) to answer; or
- (e) any person who removes, obliterates, alters or damages before the completion of one calendar month following the final date of enumeration or survey as published in the *Gazette*, any letters, marks or numbers which have been painted or affixed for the purposes of the census; or
- (f) any person who fails without reasonable excuse to perform a duty imposed upon him by this Act; or
- (g) any person obstructing, assaulting or molesting any census officer in the performance of any duty under this Act,

shall be guilty of an offence, and shall, on conviction, be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding one year or to both such fine and imprisonment.

## 9. Sanction required for prosecution

No prosecution under this Act shall be instituted except by or with the consent of the Attorney General.

## 10. Operation of other laws not barred

Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided that no such prosecution shall be instituted except by or with the consent of the Attorney General.

## 11. Records of census not open to inspection nor admissible in evidence

No person shall have a right to inspect any book, register or record made or compiled by a census officer in the discharge of his duty as such, and, notwithstanding anything to the contrary in any enactment, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceedings whatsoever or in any criminal proceedings other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

## 12. Grant of statistical abstracts

The Census Commissioner, or such other person as the President may authorise in this behalf, may, if he so thinks fit, at the request and cost, to be determined by him, of any authority or person, cause abstracts to be prepared and supplied containing any statistical information which can be derived from the census returns, being information which is not contained in any published report and which, in his opinion, it is reasonable for that authority or person to require.

## 13. President may fix dates or periods

The President may, by notice published in the *Gazette*, fix the central date for taking the census and such other dates or periods on or during which anything is to be performed or completed:

Provided that the President may, at any time and in the same way, change or alter any such dates or periods.

## 14. Commissioner may issue instructions

The Census Commissioner may issue all instructions necessary for the taking of the census and the efficient completion thereof, provided the same be not inconsistent with the provisions of this Act.

## 15. Power to make regulations

- (1) The President may make regulations generally for carrying the provisions of this Act into effect and may, in particular, make regulations to provide for any of the following matters:—
  - (a) the powers and duties of the census authorities not already specified in this Act; or
  - (b) the duties of members of the public or of other persons with regard to the census not already specified in this Act; or
  - (c) any oaths to be taken and the manner of taking such oaths by any person appointed or required to perform any duties under this Act.
- (2) Such regulations may provide that any breach thereof shall be punishable with fine not exceeding five hundred rupees or imprisonment not exceeding one year or with both such fine and imprisonment.

## 16. Operation of Act

The provisions of this Act shall be deemed to be applicable to every census taken from time to time as may be ordered by the President under the provisions of [section 2](#).