CHAPTER 118

CENSUS ACT

To make provision for the taking from time to time of a Census.

(28th February, 1948)*

ACT II of 1948, as amended by Ordinance XXV of 1962; Legal Notices: 4 of 1963, 46 of 1965; Acts: XLIX of 1981, XIII of 1983 and VIII of 1990; and Legal Notices 409 of 2007 and 105 of 2008.

Short title.

1. The short title of this Act is the Census Act.

Interpretation.

2. "Gazette" means the Malta Government Gazette;

"Malta" has the same meaning as is assigned to it by section 124 of the Constitution of Malta.

Power to take census. *Amended by: XXV.1962.4; L.N. 4 of 1963.*

3. (1) Subject to the provisions of this Act, it shall be lawful for the Prime Minister by order from time to time to direct that a census shall be taken for Malta, and any order under this section may prescribe -

(*a*) the date on which the census is to be taken, and

(*b*) the persons by whom and with respect to whom information for the purpose of the census is to be furnished, and

(*c*) the particulars to be stated in the returns:

Provided that no particulars shall be required to be stated other than particulars with respect to such matters as are mentioned in the Schedule to this Act.

(2) Any order made under this section may be revoked, amended or varied by a subsequent order.

Appointment of census officer. *Amended by: XXV. 1962.4; L.N. 4 of 1963.*

4. It shall be lawful for the Prime Minister to appoint a fit and proper person as census officer and such appointment shall be published in the Gazette.

Duties of census officer. *Amended by: XXV. 1962.4; L.N. 4 of 1963.*

5. (1) It shall be the duty of the census officer to make arrangements and do all such things as are necessary for the taking of a census in accordance with the provisions of this Act and of any order or regulations made thereunder, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the return of the forms when filled up.

(2) The census officer in exercise of his powers and in the performance of his duties under this Act or under any order or regulations made thereunder, shall be subject to the control of, and comply with any directions given by the Prime Minister.

**See* Government Notice No. 104 of the 2nd of March, 1948.

Expenses to be a charge on the Consolidated Fund.

(3) All expenses incurred with the sanction of the Prime Minister in connection with the taking of a census or otherwise in connection with the exercise of powers or the performance of duties under this Act shall be defrayed out of the Consolidated Fund.

Power of Prime Minister to make regulations. *Amended by: XXV.1962.4; L.N. 4 of 1963.*

6. (1) For the purpose of enabling any order directing a census to be taken to be carried into effect, the Prime Minister may make regulations -

(*a*) providing for the division of Malta into districts for the purpose of the census and the appointment of persons to act in those districts in connection with the census;

(*b*) requiring all such persons as may be employed for the purpose of the census to perform such duties in connection with the taking of the census as may be prescribed;

(*c*) requiring persons employed for the purpose of the census to make a written declaration on oath or otherwise as may be prescribed with respect to the performance of their duties and prescribing the form of such declaration;

(*d*) requiring the Director or other person in charge of every prison, lock-up or other place of confinement and the officer in charge of any hospital or other public or charitable institution in Malta to make return with respect to inmates thereof and to conform to such instructions as may be given to him;

(*e*) requiring information to be given to the persons liable to make returns by the persons with respect to whom the returns are to be made;

(*f*) with respect to the forms to be used in the taking of a census;

(*g*) for the allowance to be paid to persons employed in connection with the taking of the census;

(*h*) making provision with respect to any other matters with respect to which it is necessary to make provision for the purpose of carrying into effect the provisions of the order.

Power to administer oath.

(2) For the purposes of any declarations prescribed by the regulations as provided in paragraph (*c*) of subsection (1) of this section, the census officer shall have the power to administer the oath.

Census officer to make report. *Amended by: L.N. 46 of 1965.*

7. (1) The census officer shall, as soon as may be after the taking of a census, prepare or cause to be prepared a tabulated report on the census returns, showing the number of persons enumerated in Malta as a whole and in each town, village or parish thereof, and every such report shall be printed and laid before the House of Representatives.

No report to reveal individual particulars.

(2) No report, summary of statistics or other publication under this Act shall contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person.

Enumerators' power to enter.

8. It shall be lawful for every enumerator appointed under the regulations made under this Act in so far as may be necessary for the purpose of this Act to enter every house within his district on the day appointed for taking a census and at any time during the period of four weeks immediately preceding the said day, and he may repeat his visits to and entries into and upon any house in his district as often as may be necessary for the purpose of obtaining from any inmate of any such house any further information or explanation necessary to enable him to complete, verify or correct any account given to or taken by him in respect thereof or of the inmates thereof.

Access to public records.

9. Every person who has the custody or charge of any public records or documents, or of any records or documents of any company or body corporate, from which information relating to the objects of any census ordered under this Act may be obtained, or which would aid in the completion of such census, shall grant to the census officer or to any enumerator, or person authorized in writing by the census officer, access thereto for the purpose of obtaining such information therefrom.

Offences and penalties.
Amended by: XLIX.1981.*4; .5; L.N. 409 of 2007; L.N. 105 of 2008.*

10. (1) If any person -

(*a*) refuses or neglects to comply with or acts in contravention of any of the provisions of this Act or any order or regulations made under this Act; or

(*b*) being a person required under this Act to make a written declaration with respect to the performance of his duties, makes a false declaration; or

(*c*) being a person required by any order or regulations made under this Act to make, sign, or deliver any document, makes, signs, or delivers, or causes to be made, signed, or delivered a false document; or

(*d*) being a person required in pursuance of any such order or regulations to answer any question, refuses to answer or gives a false answer to that question,

he shall for each offence, save where the fact constitutes a graver offence under the Criminal Code or any other law, be liable on conviction before the Court of Magistrates to a fine not exceeding two hundred and thirty-two euro (232).

Cap.9.

Punishment for unlawful publication or communication.

(2) If any person -

(*a*) being a person employed in taking a census, without lawful authority publishes or communicates to any person, otherwise than in the ordinary course of such employment, any information acquired by him in the course of his employment; or

(*b*) having possession of any information which to his

knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person; or

(*c*) in the pretended performance of duties under this Act, obtains, or seeks to obtain, information which he is not duly authorized to obtain,

he shall, on conviction before the said court, be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding two hundred and thirty-two euro (232) or to both such imprisonment and fine.

SCHEDULE

MATTERS IN RESPECT OF WHICH PARTICULARS MAY BE REQUIRED

1. Names, sex, age, infirmities.
2. Occupation, profession, trade or employment.
3. Nationality, birthplace, language.
4. Place of abode and character of dwelling.
5. Condition as to marriage, relation to head of family, issue born.
6. Any other matter with respect to which it is desirable to obtain statistical information with a view to ascertaining the economic, social or civil condition of the population.
