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*Number 21 of 1993*

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**STATISTICS ACT, 1993**

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*Number 21 of 1993*

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**STATISTICS ACT, 1993**

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AN ACT TO PROVIDE FOR THE COLLECTION,  
 COMPILATION, EXTRACTION AND DISSEMINATION OF  
 OFFICIAL STATISTICS AND FOR RELATED MATTERS.  
 [14<sup>TH</sup> JULY, 1993]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

- Short title      **1.**—This Act may be cited as the Statistics Act, 1993.
- Commencement    **2.**—This Act shall come into operation on such day as the Taoiseach by order appoints.
- Interpretation    **3.**—In this Act, unless the contrary intention appears—
- “civil servant” means a person holding a position in the Civil Service;
- “contravention” includes failure or refusal to comply;
- “copy” means the reproduction of a record or any part thereof by clerical, photographic, electronic or any other means;
- “dissemination” means the publication, sale or provision of official statistics in any other manner or form either directly or indirectly through other persons or undertakings;
- “the Director General” means the Director General of the Central Statistics Office;
- “functions” includes powers and duties;

“local authority” means a local authority for the purposes of the Local Government Act, 1941;

“the office” means the Central Statistics office;

“officer of statistics” means a person so defined in *section 20* of this Act;

“official statistics” means statistics compiled by the office or any other public authority whether under this Act or otherwise;

“person in charge” means the person who is for the time being in charge of any premises or undertaking including owners and tenants;

“premises” includes any dwelling, other building, hut, caravan, tent, place, vessel in Irish territorial waters, aircraft and train;

“public authority” means any Department of State, local authority, health board or other body established by any enactment;

“public servant” means a person holding a position in any public authority including the Garda Síochána;

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

“the repealed enactments” means the Statistics Acts, 1926 and 1946, repealed by this Act;

“statistics” includes, in addition to numerical data, information not expressible numerically which is necessary for the collection, compilation, analysis or interpretation of data;

“undertaking” means the whole or any part of a business enterprise, agricultural holding, institution, association or public authority.

**4.**—The Taoiseach may by order revoke or amend an order made by him under this Act.

Orders

**5.**—An order made under this Act shall be laid as soon as may be before each House of the Oireachtas.

Laying of orders  
before Houses  
of the  
Oireachtas.

Expenses

**6.**—The expenses incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Repeals and consequential provisions.

**7.**—(1) The Statistics Acts, 1926 and 1946, are hereby repealed.

(2) The Statistics (Trade Statistics (Shannon Free Airport) Order, 1970 (*S.I. No. 68 of 1970*), and every order made on or after the 1st day of January, 1988, under any provision of an enactment repealed by *subsection (1)* of this section and in force immediately before such repeal shall continue in force as if made under the corresponding provision of this Act.

(3) All information, questionnaires, forms and other records collected in compliance with orders made under the repealed enactments are subject to the restrictions on use and prohibitions on disclosure of information specified in *sections 32, 33, 34 and 35* of this Act.

(4) All information provided voluntarily to the Central Statistics Office prior to the commencement of this Act shall be subject to the same protection and provisions as if such information was collected under this Act.

(5) Any person acting as an officer of statistics under the Statistics Acts, 1926 and 1946, immediately prior to their repeal under *subsection (1)* of this section shall continue as an officer of statistics under the corresponding provisions of this Act.

## PART 11

### INSTITUTIONAL STRUCTURE—THE CENTRAL STATISTICS OFFICE, THE DIRECTOR GENERAL AND THE NATIONAL STATISTICS BOARD

#### *The Central Statistics Office*

Institutional structure.

**8.**—(1) There is hereby established an Office to be known as the Central Statistics Office to exercise the functions conferred on it by this Act.

(2) The Director General appointed under *section 12* of this Act shall be responsible for the management and control of the Office.

(3) There shall be a National Statistics Board which with the agreement of the Taoiseach shall have the general function of guiding the strategic direction of the Office.

**9.**—(1) There shall be employed in the Central Statistics Office so many members of staff as the Taoiseach shall, with the concurrence of the Minister for Finance, from time to time determine.

Staff of the  
Central  
Statistics  
Office.

(2) The members of the staff of the Office shall be civil servants of the State.

(3) The Taoiseach shall be the appropriate authority of the purpose of the Civil Service Commissioners Act, 1956, and the Civil Service Regulation Acts, 1956 and 1958, in relation to members of the staff of the Office.

(4) The Taoiseach may delegate to the Director General the powers exercisable by him as the appropriate authority in relation to members of the staff of the Office and, if he does so, then, so long as the delegation remains in force—

- (a) those powers shall, in lieu of being exercisable by the Taoiseach, be exercisable by the Director General; and
- (b) the Director General shall, in lieu of the Taoiseach, be the appropriate authority in relation to members of the staff of the Office.

**10.**—(1) The functions of the Office shall be the collection, compilation, extraction and dissemination for statistical purposes of information relating to economic, social and general activities and conditions in the State.

Functions of  
Office.

(2) The Office shall have authority to co-ordinate official statistics compiled by public authorities to ensure, in particular, adherence to statistical standards and the use of appropriate classifications.

(3) The Office shall have authority to assess the statistical potential of the records maintained by public authorities and, in conjunction with them, to ensure that this potential is realised in so far as resources permit.

Co-operation and liaison with other public authorities and persons.

**11.–** (1) The Office may make arrangements with other public authorities and persons for the collection, compilation, extraction or dissemination of information for statistical purposes.

(2) The Office shall maintain close and regular contact with the principal users and suppliers of statistics.

*The Director General*

The Director General of the Central Statistics Office.

**12.–** (1) The Director General of the Office shall be appointed by the President on the nomination of the Taoiseach.

(2) The Director General shall be a corporation sole by the name of the Director General of the Central Statistics Office with perpetual succession and a seal and may sue or be sued by that name.

(3) The Person holding the office of Director General shall be a civil servant of the State.

(4) The Director General shall hold office on such terms and conditions as may be determined by the Taoiseach after consultation with the Minister for Finance.

(5) The Taoiseach shall be the appropriate authority for the purpose of the Civil Service Commissioners Act, 1956, and the Civil Service Regulation Acts, 1956 and 1958, in relation to the Director General.

Independence on statistical matters.

**13.–** The Director General shall have the sole responsibility for and be independent in the exercise of the functions of deciding—

- (a) the statistical methodology and professional statistical standards used by the Office;
- (b) the content of statistical releases and publications issued by the Office; and
- (c) the timing and methods of dissemination of statistics compiled by the Office.

Access to the Taoiseach.

**14.–** The Director General shall have the right to consult the Taoiseach concerning any matters affecting the Office or relating of official statistics or the administration of this Act.



**15.**— (1) The Director General may authorise any member of the staff of the office to exercise any of his functions under this Act and any such function shall, when exercised for the purposes of this Act, be deemed to have been exercised by the Director General.

Delegation of functions of Director General.

(2) An authorisation under *subsection (1)* of this section—

- (a) may be made subject to such terms and conditions as the Director General may determine;
- (b) shall, while in force, not prevent the discharge by the Director General of the functions thereby delegated; and
- (c) may at any time be revoked by the Director General.

**16.**— A document purporting to be issued by the Director General or by any person exercising any of his function under this Act shall, unless the contrary is proved, be deemed to be such if the name of the person concerned is printed or stamped thereon or if it purports to be signed by that person, without proof of the authenticity of the signature.

Authenticity of documents.

**17.**— The Director General, with the consent of the Minister for Finance and on such terms and conditions of service as he may determine, may make temporary appointments to unestablished posts on the staff of the Office declared to be excluded positions for the purposes of the Civil Service Commissioners Act, 1956.

Appointment of temporary staff.

#### *The National Statistics Board*

**18.**— (1) The National Statistics Board shall consist of eight members comprising the following seven persons who shall be appointed by the Taoiseach—

Composition and appointment.

- (a) five persons of proven ability and experience in relevant fields, two of whom shall be nominated by the Taoiseach and three of whom shall be nominated by such organisation or organisations as the Taoiseach considers to be representative of the users of official statistics and providers of information under this Act,
- (b) an Assistant Secretary or equivalent or higher grade in the Department of the Taoiseach, and

(c) an Assistant Secretary or equivalent or higher grade in the Department of Finance,

together with the Director General, *ex officio*.

- (2) The Chairman of the National Statistics Board shall be appointed by the Taoiseach from among the members of the Board appointed under *subsection (1) (a)* of this section.
- (3) Every member of the Board appointed by the Taoiseach shall be appointed to hold office for such period, not being less than two or more than six years, as the Taoiseach may specify when appointing him.
- (4) A member of the National Statistics Board may be reappointed.
- (5) A member of the Board appointed by the Taoiseach may resign his office by letter addressed to the Taoiseach and may be removed from his office by the Taoiseach.
- (6) A member appointed under *subsection (1) (b) or (c)* of this section shall cease to hold office if he ceases to hold the relevant civil service position.
- (7) The Board may exercise its functions notwithstanding one or more vacancies in its membership.
- (8) The Board may regulate its own procedure.
- (9) The nominated members of the Board may be paid, out of moneys provided by the Oireachtas, such remuneration and allowances for expenses incurred by them as the Taoiseach, with the concurrence of the Minister for Finance, may determine.

**19.–** (1) The function of the National Statistics Board in guiding, with the agreement of the Taoiseach, the strategic direction of the Office shall include in particular—

(a) establishing priorities for the compilation and development of official statistics;

(b) assessing the resources of staff, equipment and finance which should be made available for the compilation of official statistics;

(c) arbitrating, subject to the final decision of the Taoiseach, on any conflicts which may arise between the Office and other public authorities relating to the extraction of statistics from records or to the co-ordination of statistical activities.

(2) The Director General shall provide such information as may be required by the Board for the proper exercise of its functions.

(3) Nothing in *subsection (1) or (2)* of this section shall be construed as—

(a) enabling the Board to exercise any power or control in relation to the performance, in a particular case or in particular circumstances, of a function assigned to the Director General by or under this Act;

(b) authorising appointed members of the Board to have access to information collected under this Act which can be directly or indirectly related to an identifiable person or undertaking.

### *Officers of Statistics*

**20.—** Each of the following persons—

Officers of statistics.

(a) every member of the staff of the Office and any other person directly engaged by the Office in the collection or extraction of information under this Act,

(b) every other person who, consequent on arrangements made under *subsection (1) of section 11* of this Act, is for the time being engaged in and about the collection, extraction, compilation or dissemination of information under this Act, and

(c) any other person authorised in writing by the Director General to perform for a specified period particular statistical analysis which may necessitate access to data collected under this Act,

shall, for the purposes of this Act, be and is in this Act referred to as an officer of statistics.

Declaration of  
secrecy.

**21.**— Every person shall before assuming duties as an officer of statistics sign a declaration in the following form—

“I, \_\_\_\_\_, solemnly declare that I will fully and honestly fulfil my duties as an officer of statistics in conformity with the requirements of the *Statistics Act, 1993*, and of all orders 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 persons, family, household or undertaking by reason of my service as an officer of statistics.”

Evidence of  
appointment.

**22.**— (1) Every officer of statistics who is entitled under this Act to—

- (a) require or invite in person the completion and return of any document or the provision of any information orally or in writing from any person or undertaking,
- (b) inspect, copy or take extracts from, collect or receive any document relating to any person or undertaking, or
- (c) 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 section shall on demand produce his certificate of appointment for inspection.

(3) A document produced by a person in pursuance of this section and purporting to be his certificate of appointment shall, unless the contrary is proved, be deemed without further proof to be such.

## PART 111

### COLLECTION OF INFORMATION

Forms.

**23.**— 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 specify the date or period within which these completed forms, questionnaires and other records or the required information should be returned to the Central Statistics Office.

**24.**— (1) The Director General or an officer of statistics may invite any person or undertaking to—

Invitation to provide information on a voluntary basis.

- (a) complete a form, questionnaire or other record,
- (b) answer any questions,
- (c) provide any information or records,

on a voluntary basis and any information so obtained shall be subject to the restrictions on use and prohibition on disclosure of information specified in *sections 32, 33, 34 and 35* of this Act.

(2) Persons and undertakings may provide information and records, or copies thereof, which they may possess to the Director General or officers of statistics on invitation under the provisions of this Act notwithstanding anything contained in the Data Protection Act, 1988.

**25.**— (1) The Taoiseach may prescribe by order a requirement on persons and undertakings to provide information under this Act, specifying, in particular—

Order by Taoiseach requiring provision of information.

- (a) the general nature of the information required;
- (b) the frequency with which it is to be provided;
- (c) the persons or undertakings, or classes of persons or undertakings, required to provide it.

(2) A separate order under *subsection (1)* of this section shall be made—

- (a) for each separate commencement of a survey undertaken at intervals of more than twelve months;
- (b) at least every five years for each continuing survey undertaken at intervals of twelve months or less.

**26.**— (1) The Director General or an officer of statistics may, pursuant to a requirement made under *section 25* of this Act, direct by the delivery of a notice any person—

Direction to provide information.

- (a) to complete and return a form, questionnaire or other record in accordance with any instructions contained therein or otherwise communicated to him,

(b) to answer questions asked of him by officers of statistics,

(c) to supply any record, copy of or extract from any record, by a specified date or within a specified period.

(2) For the purposes of this section and *section 27* of this Act a direction to provide information in compliance with a requirement made under *section 25* of this Act shall be sufficient-

(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 individual person in charge of premises—if a notice is delivered to the premises or to his office or residence without necessarily naming the person;

(c) in the case of a business undertaking—if a notice is delivered to the business or concern at any 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;

(d) in the case on an individual person in charge of any other undertaking—if a notice is delivered to his office or residence without necessarily naming the person.

Persons required to provide information.

**27.— (1)** Information requested by the Director General by delivery of a notice under *section 26* of this Act or this section shall be provided in the case of—

(a) a particular person – by the person in question if currently resident in the State and if abroad by a spouse or relative resident in the persons dwelling, or if deceased by the personal representative or next-of-kin of the deceased person's estate who has possession of or access to the information;

(b) a person in charge of premises – by that person and, if the information is required in respect of persons resident, boarding, lodging or working in the premises, it shall be the duty of each such person to provide the required information to the person in charge;

(c) an undertaking – by any or all of the following person who are in possession of or have access to the required information:

(i) proprietors, partners, directors, managers, liquidators, receivers and administrators of incorporated and unincorporated business undertakings;

(ii) the person in charge of any other undertaking.

(2) Where information which a person or undertaking claims to have provided in compliance with a direction made under *section 26* of this Act is not in the possession of the Office, the Director General may by delivery of a further notice under that section direct the person or undertaking to provide the information by a specified date.

**28.**– (1) Any notice or record delivered by an officer of statistics shall, until the contrary is proved, be sufficient evidence that it has been duly issued and delivered by or on behalf of the Director General.

Issue and delivery of notices and other documents.

(2) The delivery of any notice or record may be effected by being delivered in person by an officer of statistics or by post or by other means of communication and if delivered by post it shall be deemed to have been received when in the ordinary course of post it would be delivered.

**29.**– An officer of statistics may at all reasonable times, on production of his certificate of appointment if demanded, enter any premises for the purposes of—

Right of access for statistical purposes.

(a) delivering a notice under *section 26* of this Act, or

(b) delivering or collecting forms, questionnaires, records or information, or

(c) making any such inquiries as he is authorised to make under this Act.

## PART IV

USE OF RECORDS OF PUBLIC AUTHORITIES FOR  
STATISTICAL PURPOSES

Access to  
records of  
public  
authorities.

**30.**— (1) For the purpose of assisting the Office in the exercise of its functions under this Act, the Director General may by delivery of a notice request any public authority to—

(a) allow officers of statistics at all reasonable times to have access to, inspect and take copies of or extracts from any records in its charge, and

(b) provide the Office, if any such officer so requires, with copies of extracts from any such record,

and the public authority shall, subject to *subsection (2)* of this section, comply with any such request free of charge.

(2) *Subsection (1)* of this section—

(a) shall not apply to records pertaining to a Court, the Garda Síochána, the prison administration or the Ombudsman or any of his officers;

(b) shall apply to medical records which are not publicly available only with the agreement of the Minister for Health.

(c) shall in all other cases have effect notwithstanding anything contained in any enactment other than provisions for the protection of public order or the security of the State.

Co-operation of  
public  
authorities  
with the Office.

**31.**—(1) The Director General may request any public authority to consult and co-operate 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 proposes to introduce, revise or extend any system for the storage and retrieval of information or to make a statistical survey it shall consult with the Director



General and accept any recommendations that he may reasonably make in relation to the proposal.

(3) The Director General or any public authority may request the National Statistics Board to arbitrate on and, when agreement cannot be reached, to make recommendations to the Taoiseach for his decision on proposals made by the Director General under *subsection (1) or (2)* of this section.

(4) *Subsections (1) and (2)* of this section—

(a) shall not apply to records pertaining to a Court, the Garda Síochána or the Prison administration;

(b) shall in all other cases have effect notwithstanding anything contained in any enactment other than provisions for the protection of public order or the security of the State.

## PART V

### PROTECTION OF INFORMATION

**32.**— All information furnished by a person, undertaking or public authority under this Act shall be used only for statistical compilation and analysis purposes.

Restrictions on use of information.

**33.**— (1) No information obtained in any way under this Act or the repealed enactments 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 a deceased person, be disseminated, shown or communicated to any person or body except as follows—

Prohibition on disclosure of information.

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

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

(c) for the purposes of recording such information solely for the use of the office in such form and manner as is provided for by a contract in writing made by the Director General which protects its confidentiality to his satisfaction.

(2) The Office may, for statistical purposes only, assign codes derived from information collected under this Act classifying undertakings listed in the administrative systems of other public authorities by economic activity and size (persons engaged) categories.

(3) The Taoiseach may by order prescribe such further prohibitions on the disclosure of identifiable records or information obtained under this Act or the repealed enactments for such periods as may be prescribed.

(4) Nothing in this Act shall be construed to require any person or undertaking to provide information in relation to a matter on which information was sought in circumstances that would entitle the person or undertaking to decline to give the information in a civil proceeding in any court or on the grounds of privilege.

Use of non-identifiable information for statistical analysis.

**34.**— The Office may provide, for statistical purposes only, information obtained in any way under this Act or the repealed enactments, in such form that it cannot be directly or indirectly related to an identifiable person or undertaking, to such person and subject to such charges, conditions and restrictions as the Director General may determine.

Access to Census of Population records after 100 years.

**35.**— In the case of a Census of Population undertaken under this Act or under the repealed enactments, the restrictions of *section 32* and *33* of this Act shall cease to apply 100 years after the date of the relevant Census.

## PART VI

### OFFENCES, PENALTIES AND EVIDENCE

Non-provision of required information.

**36.**— Any person who fails or refuses to provide any requested information in response to a direction from the Director General under *section 26* or *27* of this Act pursuant to a requirement made under *section 25* of this Act shall be guilty of an offence.

Prevention of access.

**37.**— Any person who prevents an officer of statistics from carrying out his duties as allowed under *section 29* of this Act shall be guilty of an offence.

**38.**— Any person who uses information furnished under this Act or the repealed enactments in contravention of *section 32* of this Act or wilfully discloses information relating to any identifiable person or undertaking in contravention of *section 33* of this Act shall be guilty of an offence.

Misuse of information.

**39.**— Any Officer of statistics who in the pretended performance of his functions as such officer obtains or attempts to obtain by any means from any person on any occasion any information which he is not lawfully entitled to obtain by that means from that person on that occasion shall be guilty of an offence.

Abuse of office by an officer of statistics.

**40.**— Any person who wilfully obstructs the Director General or an officer of statistics in the exercise of his functions under this Act shall be guilty of an offence.

Obstruction of Director General or officers of statistics.

**41.**— Any person not being an officer of statistics who represents himself as being an officer of statistics shall be guilty of an offence.

Impersonation of an officer of statistics.

**42.**— (1) Any person who wilfully destroys, damages or falsifies any document or record issued for the collection of statistics in compliance with a requirement made under *section 25* of this Act shall be guilty of an offence.

Protection of documents.

(2) Any officer of statistics who fails to keep any document or record in his custody, containing information collected under this Act, in such manner as to ensure that unauthorised persons will not have access thereto shall be guilty of an offence.

(3) Any officer of statistics who wilfully fails to return to the Office a document or record collected from any person or undertaking under this Act shall be guilty of an offence.

**43.**— A person who, in purported compliance with any requirement or direction under this Act, provides information, makes a statement written or oral or produces or delivers any document false in a material particular, knowing it to be false, shall be guilty of an offence.

Furnishing false information.

**44.**— (1) A person guilty of an offence under any provision of this Act shall be liable—

Penalties.

(a) on summary conviction to a fine not exceeding £1,000, or

(b) on conviction on indictment, to a fine not exceeding £20,000.

(2) Where a person is convicted of an offence under *section 36* of this Act he shall, if the contravention continues after conviction, be guilty of an offence on every day on which it continues and for each such offence he shall be liable—

(a) on summary conviction to a fine not exceeding £50,  
or

(b) on conviction on indictment to a fine not exceeding £1,000.

(3) Summary proceedings in relation to an offence under this Act may be brought and prosecuted by the Director General or an officer of statistics.

(4) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted within two years from the date of the offence.

Statistical  
evidence  
in legal  
proceedings.

**45.**— Prima facie evidence of any official statistics may be given in all legal proceedings by the production of a document purporting to contain such statistics and to be issued by the Central Statistics Office or to be signed by the Director General.