

Statistics of Trade Act 1947

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Text incorporates all amendments up to 01/12/1992

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SCHEDULE Matters about which Persons may be required to furnish Estimates or Returns under this Act

An Act to enable certain government departments to obtain more readily the information necessary for the appreciation of economic trends and for the discharge of their functions; to consolidate and amend the law relating to the census of production; to provide for a census of distribution and other services; and for purposes connected with the matters aforesaid.

[31st July 1947]

FN1 FN2 FN3 FN4 FN5

FN1 Functions of Board of Trade now exercisable concurrently by Secretary of State: S.I. 1970/1537, art. 2(1)(a)

FN2 Certain functions of the Secretary of State

transferred to the Chancellor of the Exchequer so as to be exercisable by him concurrently with the Secretary of State: S.I. 1989/992, art. 2(2)

FN3 Act amended by S.I. 1989/992, art. 6(3)(b)

FN4 Act amended (S.) (1.4.1991) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 12(1)

FN5 Act wholly in force at Royal Assent.

Power of competent authorities to obtain information.

1. - FN1 (1) For the purpose of obtaining the information necessary for the appreciation of economic trends and the provision of a statistical service for industry and for the discharge by government departments of their functions, it shall be lawful for a competent authority by notice in writing served on any person carrying on an undertaking to require that person to furnish, in such form and manner and within such time as may be specified in the notice, such periodical or other estimates or returns, about such of the matters set out in the Schedule to this Act as may be so specified.

(2) The notice shall state that it is served under this section of this Act and generally the purpose for which the estimates or returns are required.

FN1 S. 1(1) extended (S.) (1.4.1991) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 12(1)

Census of production, distribution and services. FN1

2. - (1) The Board of Trade shall, for the purpose of providing at intervals general surveys of the state of trade and business, take a census of production in the year nineteen hundred and forty-nine and in every subsequent year, and a census of distribution and other services in any year that may be prescribed by order of the Board, being a calendar year beginning not less than twelve months after the date of the order.

(2) Any person carrying on an undertaking may be required to furnish returns for the purposes of a census under this Act; and the census may either be taken so as to cover all undertakings in the field of production, distribution or other services, as the case may be, or may be confined to such classes or descriptions of those undertakings respectively as may be prescribed; and, without prejudice to the generality of the foregoing provisions of this subsection, the Board of Trade may by order provide for exempting from

the obligation to furnish returns for the purposes of a census under this Act, either wholly or to the prescribed extent, and either unconditionally or subject to the prescribed conditions, any persons or any prescribed class or description of persons.

(3) The matters about which a person may be required to furnish returns for the purposes of a census under this Act shall be such of the matters set out in the Schedule to this Act as may be prescribed.

(4) A census under this Act shall require returns to be furnished with respect to the calendar year next preceding the date of the census:

Provided that the Board of Trade may make arrangements for allowing a person, for whom it would be inconvenient to furnish returns with respect to that calendar year, to furnish returns with respect to some other period of twelve months.

FN1 Certain functions of the Secretary of State transferred by S.I. 1989/992, art. 2(1)(2)

Returns for the purposes of census. FN1

3. - (1) The Board of Trade shall, subject to the provisions of this Act, prepare and issue such forms and instructions as they deem necessary for the taking of a census under this Act.

(2) A person shall not be required to furnish returns for the purposes of a census under this Act except in pursuance of a notice in writing from the Board of Trade requiring him to do so; and the Board shall issue, with the notice, the forms required to be filled up by that person.

(3) The Board of Trade may delegate any of their functions under the two last foregoing subsections to any other competent authority; and references therein to the Board shall include references to any other authority to whom those functions have been so delegated.

A notice issued by a competent authority in pursuance of powers delegated to that authority shall state that it is so issued.

(4) A person required to furnish returns for the purposes of a census under this Act shall, on or before such day being not less than two months after the service of the said notice as may be specified therein, comply with that requirement in such manner as may be

so specified:

Provided that in its application to a person who has been allowed to furnish returns with respect to a period ending not later than the thirty-first day of October in the calendar year preceding the date on which the said notice is served on him, the foregoing provisions of this subsection shall have effect as if for the reference therein to two months there were substituted a reference to one month.

FN1 Certain functions of the Secretary of State transferred by S.I. 1989/992, art. 2(1)(2)

Offences relating to returns.

4. - FN1 (1) If any person required to furnish estimates or returns under this Act fails to furnish those estimates or returns as required under this Act, he shall, unless he proves that he had reasonable excuse for the failure, be liable on summary conviction, to a fine not exceeding [FN2 fifty pounds][FN2 level 4 on the standard scale], or, in the case of a second or subsequent offence to a fine not exceeding [FN2 two hundred pounds][FN2 level 4 on the standard scale].

(2) If the failure in respect of which a person is convicted under the last foregoing subsection is continued after the conviction he shall be guilty of a further offence and may on summary conviction thereof be punished accordingly.

(3) If any person in purported compliance with a requirement to furnish such estimates or returns as aforesaid, knowingly or recklessly makes any statement in those estimates or returns which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds, or, in either case, to both such imprisonment and such fine.

FN1 Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

FN2 Words "level 4 on the standard scale" substituted (S.) for "fifty pounds" and "two hundred pounds" in each case by virtue of Criminal Procedure (Scotland)

Act 1975 (c. 21, SIF 39:1), ss. 289E-289G

Power to prescribe additional subjects of inquiry by Order in Council.

5. - (1) His Majesty may by Order in Council amend the Schedule to this Act by adding to the matters specified therein any other matter.

(2) An Order under this section may amend the said Schedule as aforesaid generally, or so far as it applies, under section one of this Act, to inquiries by competent authorities or, under section two of this Act, to censuses; or so far as it applies to any particular inquiry or census or to any class or description of inquiries or censuses.

(3) A draft of any Order in Council proposed to be made under this section shall be laid before each House of Parliament; and the draft shall not be submitted to His Majesty in Council unless each House of Parliament presents an address to His Majesty praying that the Order may be made.

Duty to notify undertakings to Board of Trade or other competent authority. FN1

6. - (1) If the Board of Trade publish, by advertisement in the Gazette, and in such newspapers as may appear to the Board to be sufficient for notifying the persons concerned, a list of any classes or descriptions of undertakings in relation to which returns will be required for the purposes of a particular census under this Act, it shall be the duty of every person carrying on an undertaking of any such class or description as aforesaid, who has not received a notice under subsection (2) of section three of this Act, to inform such person as may be specified in the advertisement, within such period, being not less than twenty-one days after the date of publication of the advertisement, as may be specified therein, that he is carrying on such an undertaking as aforesaid, and to give to that person such prescribed particulars of the undertaking as may be so specified.

(2) The Board of Trade may delegate any of their functions under the last foregoing subsection to any other competent authority and references therein to the Board shall include references to any other competent authority to whom those functions have been so delegated.

(3) If any person fails to give any information or particulars as required by this section, he shall be

liable on summary conviction to a fine not exceeding [FN2 level 1 on the standard scale]; but it shall be a defence for any person charged with an offence under this subsection to prove that he did not know and had reasonable cause for not knowing that he was required so to give that information or those particulars.

(4) If any person knowingly or recklessly makes a statement in any particulars given as aforesaid which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds, or, in either case, to both such imprisonment and such a fine.

(5) In this section the expression "the Gazette" means,-

(a) in relation to an advertisement concerning undertakings in England and Wales only, the London Gazette;

(b) in relation to an advertisement concerning undertakings in Scotland only, the Edinburgh Gazette;

(c) in relation to any other advertisement, the London Gazette and the Edinburgh Gazette.

FN1 Certain functions of the Secretary of State transferred by S.I. 1989/992, art. 2(1)(2)

FN2 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Report to Parliament. FN1

7. As soon as practicable after any census under this Act is complete the Board of Trade shall present to Parliament a report of their proceedings in connection with the taking of the census, and a summary of the statistics obtained including, if the Board think fit, any statistics obtained by the Board or other competent authority otherwise than by means of a census under this Act, or statistics obtained by a department of the Government of Northern Ireland and communicated by that department to the Board for the purposes of this section; and the summary shall contain separate statements relating to Scotland and Wales.

FN1 Certain functions of the Secretary of State

transferred by S.I. 1989/992, art. 2(1)(2)

Advisory committees. FN1

8. - (1) The Board of Trade shall arrange for the appointment of one or more committees, including persons engaged in, or otherwise conversant with the conditions of, various trades and businesses, for the purpose of advising the Board or any other competent authority to whom functions have been delegated under section three of this Act with regard to the preparation of the forms and instructions necessary for the taking of a census and the making of orders by the Board under this Act and of advising the Board or any other competent authority with regard to such other matters under this Act as may be referred to those committees.

(2) There may be paid to the members of any such committee as aforesaid such travelling and other allowances as the Board of Trade may with the consent of [FN2 the Treasury] determine.

(3) Committees may be appointed under this section to advise specially about any special forms, instructions or orders or generally about any class or description of forms, instructions or orders that may be assigned to them.

FN1 Certain functions of the Secretary of State transferred by S.I. 1989/992, art. 2(1)(2)

FN2 Words substituted by virtue of S.I. 1981/1670, arts. 2(1)(c), 3(5)

Disclosure of information. FN1 FN2

FN3 9. - (1) No individual estimates or returns, and no information relating to an individual undertaking, obtained under the foregoing provisions of this Act, shall, without the previous consent in writing of the person carrying on the undertaking which is the subject of the estimates, returns or information, be disclosed except-

(a) In accordance with directions given by the Minister in charge of the government department in possession of the estimates, returns or information to a government department FN4 for the purpose of the exercise by that department FN4 of any of their functions; or

(b) for the purposes of any proceedings for an offence under this Act or any report of those proceedings.

FN5 (2) If any information to be obtained for the purposes of a census under this Act is also obtainable under any other enactment which restricts the disclosure of information obtained thereunder, and the Board of Trade are of opinion that similar restrictions should be applied to any information to be obtained for the purposes of the census, the Board shall by order provide for the application, without modifications or with such adaptations or modifications as the Board think fit, of those restrictions to the information to be so obtained, or any part thereof, in addition to the restrictions imposed by this section.

FN5 (3) Without prejudice to the provisions of the last foregoing subsection, if it appears to the Board of Trade that-

(a) the nature of the information to be obtained for the purposes of a census under this Act, or

(b) the nature of the undertakings to be covered by the census,

would make it desirable to impose restrictions on the disclosure of information obtained by means of the census additional to the restrictions imposed by this section, the Board of Trade may by order prohibit the disclosure of information relating to particular undertakings obtained by means of the census, or any part of that information, except to such persons or for such purposes as may be specified in the order.

(4) No order shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(5) The following provisions shall have effect with respect to any report, summary or other communication to the public of information obtained under the foregoing provisions of this Act-

(a) no such report, summary or communication shall disclose the number of returns received with respect to the production of any article if that number is less than five;

(b) in compiling any such report, summary or communication the competent authority shall so arrange it as to prevent any particulars published therein from being identified as being particulars relating to any individual person or undertaking except with the previous consent in writing of that person or the person carrying on that undertaking, as the case may

be; but this provision shall not prevent the disclosure of the total quantity or value of any articles produced, sold or delivered; so, however, that before disclosing any such total the competent authority shall have regard to any representations made to them by any person who alleges that the disclosure thereof would enable particulars relating to him or to an undertaking carried on by him to be deduced from the total disclosed.

(6) If any person discloses any individual estimates or returns or any information contrary to the provisions of this section, or of any order made under this section, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or, in either case, to both such imprisonment and such a fine.

FN2 S. 9 excluded by Employment and Training Act 1973 (c. 50), s. 4(3), Health and Safety at Work etc. Act 1974 (c. 37), s. 27(2), Welsh Development Agency Act 1975 (c. 70), s. 24(6), Employment Protection Act 1975 (c. 71), Sch. 1 Pt. I para. 12 and Development of Rural Wales Act 1976 (c. 75), s. 17(1)

FN5 Certain functions of the Secretary of State transferred by S.I. 1989/992, art. 2(1)(2)

FN1 S. 9 excluded (S.) (1.4.1991) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 12(2)

FN3 S. 9 excluded (16. 10. 1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 247 (5), 302

FN4 Words repealed by Import Duties Act 1958 (c. 6), Sch. 7

Information from persons entering or leaving the United Kingdom by air. FN1

10. - (1) The Board of Trade may by order make provision whereby any person entering or leaving the United Kingdom by air may be required to give, to such person and in such form and manner as may be prescribed, particulars of his age, sex and marriage and of the nature of his occupation and particulars of the country in which he last permanently resided and the country in which he intends next permanently to reside.

(2) If it is not reasonably practicable to require any such person to give any such particulars as aforesaid any other person in whose company and under whose care he is travelling may be required to give those particulars on his behalf.

(3) If any person required to give information in pursuance of any such order as aforesaid fails to comply with that requirement, he shall unless he proves that he had reasonable excuse for the failure be liable on summary conviction to a fine not exceeding [FN2 level 2 on the standard scale].

(4) If any person in purported compliance with that requirement knowingly or recklessly makes any statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds, or, in either case, to both such imprisonment and such fine.

FN1 Certain functions of the Secretary of State transferred by S.I. 1989/992, art. 2(1)(2)

FN2 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G and (N.I.) by S.I. 1984/703 (N.I. 3), arts. 5, 6

Orders. FN1

11. - (1) The Board of Trade may by order make provision-

(a) for prescribing, either generally or with respect to any class or description of persons or undertakings, anything which under this Act is to be prescribed;

(b) generally for carrying the purposes of this Act into effect.

(2) All orders made by the Board under this Act, other than orders made under section nine of this Act, shall be laid before Parliament immediately after they are made, and if either House of Parliament, within the period of forty days beginning with the day on which any such order is laid before it, resolves that the order be annulled, the order shall cease to have effect but without prejudice to anything previously done thereunder or to the making of a new order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(3) Any order under this Act may be revoked or varied by a subsequent order made in like manner and subject to the like conditions as the original order.

FN1 Certain functions of the Secretary of State transferred by S.I. 1989/992, art. 2(1)(2)

Notices. FN1

12. - (1) Any notice required or authorised by or under this Act to be served on any person may be served either-

- (a) by delivering it to that person; or
- (b) by leaving it at his proper address; or
- (c) by post;

so however that where a notice is served by post otherwise than in a registered letter, service shall not be deemed to have been effected if it is proved that the notice was not received by the person to whom it was addressed.

(2) Any such notice required or authorised to be served upon an incorporated company or body shall be duly served if it is served on the secretary or clerk of the company or body.

(3) For the purposes of this section and of [FN2 section 7 of the FN3 Interpretation Act 1978], the proper address of any person on whom such a notice as aforesaid is to be served shall in the case of the secretary or clerk of an incorporated company or body be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served.

(4) Where the name of a person carrying on an undertaking at any premises is not known, then, if any such notice as aforesaid is sent by post in a registered letter so addressed as to show the name in which and the premises at which the undertaking is carried on, the letter shall be deemed for the purposes of the said [FN2 section 7] to be properly addressed.

FN3 1978 c. 30.

FN1 References to registered letter to be construed as including references to letter sent by recorded

delivery service: Recorded Delivery Service Act 1962
(c. 27), s. 1(1)(2), Sch. para. 1

FN2 Words substituted by virtue of Interpretation Act
1978 (c. 30), s. 25(2)

Offences by bodies corporate.

13. - (1) Where a person convicted on indictment of an offence under the foregoing provisions of this Act is a body corporate, such of those provisions as limit the amount of the fine which may be imposed shall not apply; and the body corporate shall be liable to a fine of such amount as the court thinks just.

(2) Where any offence under the foregoing provisions of this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

14. - (1)
..... FN1

(2)
..... FN1

(3)
..... FN2

(4)
..... FN3

FN1 S. 14(1)(2) repealed by Public Health Act 1961 (c. 64), Sch. 5 Pt. I

FN2 S. 14(3) repealed by London Government Act 1963 (c. 33), Sch. 17 para. 29(9), Sch. 18 Pt. II

FN3 S. 14(4) repealed by London County Council (General Powers) Act 1953 (c. xliii), s. 39

Expenses.

15. Any expenses incurred with the approval of the Treasury by the Board of Trade or other competent

authority for the purposes of this Act shall be defrayed out of moneys provided by Parliament.

16.
. FN1

FN1 S. 16 repealed by Industrial Expansion Act 1968 (c. 32), Sch. 4

Interpretation.

17. - (1) In this Act the expression "undertaking" means any undertaking by way of trade or business, whether or not the trade or business is carried on for profit; and the exercise and performance by a local or other public authority of the powers and duties of that authority shall be treated as a trade or business of that authority.

FN1 (2) Where an undertaking is wholly or partly carried on by means of branches situated at several premises, the Board of Trade or other competent authority may agree with the persons carrying on the undertaking that for the purposes of all or any of the provisions of this Act a separate undertaking shall be deemed to be carried on at all or any of the those branches by the branch manager or such other person as may be specified in the agreement.

Any such agreement may contain such supplemental provisions as may be expedient for giving effect thereto and shall continue in force for such term and shall be subject to such provisions as to variation and revocation as may be specified in the agreement.

[FN2 (3) For the purposes of this Act each of the following Ministers and authorities shall be a competent authority, that is to say, the Treasury, [FN3 the Chancellor of the Exchequer] a Secretary of State, the Board of Trade and the Minister of Agriculture, Fisheries and Food.]

(4) References in this Act to articles shall be construed as including references to substances, plant, vehicles, vessels and animals, and as including references to water, gas and electricity; and the expression "plant" includes any machinery, equipment or appliance.

(5) References in this Act to any other Act shall be construed as references to that Act as amended by any subsequent enactment including this Act.

FN1 Certain functions of the Secretary of State

transferred by S.I. 1989/992, art. 2(1)(2)

FN2 S. 17(3) substituted by S.I. 1971/719, Sch. para. 2

FN3 Words inserted by S.I. 1989/992, art. 6(3)(a)

18.
..... FN1

FN1 S. 18 repealed by Building (Scotland) Act 1959 (c. 24), Sch. 10

FN1 ¹Short title, extent and repeal. FN2

19. - (1) This Act may be cited as the Statistics of Trade Act 1947.

(2) The powers of a competent authority under section one of this Act shall be exercisable in Northern Ireland in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws; but, except so far as is necessary for that purpose and as provided in sections seven and ten of this Act, this Act shall not extend to Northern Ireland.

(3)
..... FN3

(4)
..... FN4

FN2 Reference to matters in respect of which Parliament of Northern Ireland has not power to make laws to be construed as reference to matters in respect of which that Parliament would not have had power to make laws if Northern Ireland Constitution Act 1973 (c. 36) had not been passed: *ibid.*, s. 40(2)

FN1 Unreliable marginal note.

FN3 S. 19(3) repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. XVII

FN4 S. 19(4) repealed by Statute Law Revision Act 1950 (c. 6), Sch. 1

FN1 FN2 FN3 SCHEDULE

Sections 1, 2 and 5.

Matters about which Persons may be required to furnish Estimates or Returns under this Act

The nature of the undertaking (including its association with other undertakings) and the date of its acquisition; the persons employed or normally employed (including working proprietors), the nature of their employment, their remuneration and the hours worked; the output, sales, deliveries, and services provided; the articles acquired or used, orders, stocks and work in progress; the outgoings and costs (including work given out to contractors, depreciation, rent, rates and taxes, other than taxes on profits) and capital expenditure; the receipts of and debts owed to the undertaking; the power used or generated; the fixed capital assets, the plant, including the acquisition and disposal of those assets and that plant, and the premises occupied.

FN1 Sch. amended by S.I. 1963/1329

FN2 Sch. amended by S.I. 1987/669, art. 1, Sch.

FN3 Sch. modified by S.I. 1990/2597, art. 1