

Draft Order laid before the Scottish the Scottish Parliament—

(a) as respects the particulars printed in italics in Schedules 2 and 3, under the proviso to section 1(2) of the Census Act 1920 for approval by resolution of the Scottish Parliament;

(b) as respects the remainder of the draft, under section 6(2) of the Statutory Instruments Act 1946 and articles 3(3) and 12 of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (superseding part of section 1(2) of the Census Act 1920) for it to lie for 40 days during which period the Scottish Parliament may resolve that this draft not be submitted to Her Majesty.

This draft Order replaces the draft Order laid on 26th November 2009 and published on 1st December 2009 and is being issued free of charge to all known recipients of that draft.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

CENSUS

The Census (Scotland) Order 2010

Made - - - -

Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the day of

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 1(2) of the Census Act 1920⁽¹⁾, section 6(2) of the Statutory Instruments Act 1946⁽²⁾ and articles 3(3) and 12 of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999⁽³⁾—

- (a) the Scottish Parliament has by resolution approved as much of the Order as prescribes particulars with respect to the matters mentioned in paragraph 6 of the Schedule to the Census Act 1920 (any other matters with respect to which it is desirable to obtain statistical information with a view to ascertaining the social or civil condition of the population); and
- (b) a draft of the Order was laid before the Scottish Parliament for a period of 40 days and the Parliament has not resolved that the draft should not be submitted to Her Majesty in Council.

Accordingly, Her Majesty, in exercise of the powers conferred by section 1(1) of the Census Act 1920, is pleased, by and with the advice of Her Privy Council, to order, as follows.

(1) 1920 c.41.

(2) Section 6(2) was modified by article 3(3) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096).

(3) S.I. 1999/1096.

Citation, commencement and extent

1.—(1) This Order may be cited as the Census (Scotland) Order 2010 and comes into force on the day after the day on which it is made.

(2) It extends to Scotland only.

Interpretation

2.—(1) In this Order—

“the Act” means the Census Act 1920;

“census day” means 27th March 2011;

“census night” means the night of 27th to 28th March 2011;

“dwelling” includes part of a dwelling and any caravan, houseboat, temporary building or other structure used as living accommodation;

“household” means one person living alone or a group of people (whether or not related) living at the same address who share cooking facilities, and—

(a) a living room;

(b) sitting room; or

(c) dining area;

“householder” in relation to an address means a person who is usually resident at that address and—

(a) owns or rents accommodation at that address; or

(b) is responsible for paying household bills and expenses there,

and includes a joint householder and an acting householder;

“usually resident” includes persons who—

(a) have a usual address in Scotland;

(b) in the case of Groups I and IV, are in full-time education and are residing at their term-time address;

(c) in the case of Groups II, III, VI and VII, have resided or intend to reside in the premises or vessel for a total period of 6 months or more beginning on or before census day;

(d) in the case of Group V, are spending a period of 6 months or more in custody whether at the premises or elsewhere; and

(e) in the case of Group VIII, have no usual address in Scotland, but are present at an address in Scotland on census night; and

“visitor” means any person who is present at an address in Scotland on census night, but who is not usually resident at that address.

(2) For the purposes of this Order, a person is in full-time education if that person is registered, admitted or otherwise enrolled as a full time pupil or student at a school, college or other educational institution.

(3) In this Order, any reference to a Group is a reference to that Group as specified in Schedule 1.

Date on which census is to be taken

3. A census is to be taken for Scotland on 27th March 2011.

Persons with respect to whom the returns are to be made

4.—(1) For the purpose of the census, returns must be made in accordance with the provisions of this Order with respect to—

- (a) all persons who are usually resident in Scotland;
- (b) all persons in full-time education who do not fall within sub-paragraph (a), being persons who do not have a term-time address in Scotland, but who have a home address in Scotland; and
- (c) all visitors,

who are alive at midnight ending census day.

(2) A return with respect to any person to whom paragraph (1) applies must be made in accordance with the provisions of this Order relating to the Group in which that person is included and any visitor.

Persons by whom the returns are to be made

5.—(1) Subject to paragraph (3), where a dwelling to which column (1) of Group I applies is occupied by a household consisting of one person to whom column (2) of that Group applies, that person must make a return with respect to himself or herself and every visitor at that dwelling.

(2) Subject to paragraph (3), where a dwelling to which column (1) of Group I applies is occupied by a household consisting of more than one person to whom column (2) of that Group applies—

- (a) the householder; or
- (b) if there is no householder (or the householder is unable to make the return), the members of that household aged 16 years or over on census day,

must make a return with respect to every person specified in column (2) of Group I, and every visitor at that dwelling, except that the obligation to make the return will be satisfied in respect of the householder, or, as the case may be, the members of the household aged 16 years or over, if any of them completes such a return on their behalf.

(3) A return need not be made under paragraph (1) or (2) by, or with respect to, any member of a household who is absent from the dwelling on census day and does not return to the dwelling within a period of 6 months beginning on census day.

(4) Any person (except a visitor) with respect to whom a return falls to be made in accordance with paragraph (2) who—

- (a) is aged 16 years or over on census day; and
- (b) is capable of completing the form of return,

may elect to make an individual return, for which that person will be responsible.

(5) Where a dwelling to which column (1) of Group I applies is occupied only by one or more visitors, the visitors aged 16 years or over on census day must make a return with respect to every visitor, except that the obligation to make the return will be satisfied in respect of the visitors aged 16 years or over if any of them completes such a return on their behalf.

(6) In the case of any premises or vessel specified in column (1) of Groups II, III, IV, V or VII, the manager, chief resident officer, director or governor, or other person for the time being in charge of the premises or the captain, master or other person for the time being in charge of the vessel and in the case of any premises or vessel specified in Group VI the commanding officer or other person for the time being in charge of the premises or vessel, must make a return.

(7) Every person specified in column (2) of Groups II, III, IV, V, VI, VII and, subject to paragraph (8), Group VIII must make an individual return, but where any such person is, for any reason, incapable of making a return and that person is—

- (a) a person specified in column (2) of Group II, then the manager or other person for the time being in charge of the hotel or guest house must make a return with respect to that person or may arrange for the return to be made by a relative or other person accompanying that person;
 - (b) a person specified in column (2) of Group III or IV, then the chief resident officer or other person for the time being in charge of the premises must make the return with respect to that person or arrange for it to be made by a relative or companion of that person;
 - (c) a person specified in column (2) of Group V, then the return must be made with respect to that person by the director or governor or other person for the time being in charge of the premises;
 - (d) a person specified in column (2) of Group VI, then the return must be made with respect to that person by the commanding officer or other person for the time being in charge of the premises or vessel;
 - (e) a person specified in column (2) of Group VII, then the return must be made with respect to that person by the captain or master or other person for the time being in charge of the vessel; or
 - (f) a person specified in column (2) of Group VIII, then the return may be made with respect to that person by any other person capable of doing so on his or her behalf.
- (8) As regards a person specified in column (2) of Group VIII who is capable of making a return, the return referred to in paragraph (7) may be made by any other person authorised by that person to do so on that person's behalf.

Particulars to be stated in the returns

6.—(1) Every return referred to in article 5(1), (2), (4), (7) and (8) must state with respect to each person required to be included in that return the particulars specified in items 1 to 23 of Schedule 2 except that—

- (a) in the case of a visitor, the return which falls to be made in accordance with article 5(1) or (2) need state only the particulars specified in items 3, 4, 5, 32 and 33 of Schedule 2;
 - (b) in the case of a person who makes an individual return in accordance with article 5(4), the return which falls to be made in accordance with article 5(2) need state, with respect to that person, only the particulars specified in items 1 to 3 of Schedule 2;
 - (c) in the case of a person in full-time education who has a term-time address which differs from the address to which the return which falls to be made in accordance with article 5(1) or (2) relates, that return need state, with respect to that person, only the particulars specified in items 1 to 7 of Schedule 2; and
 - (d) in the case of any return referred to in article 5(4), (7) or (8) the particulars specified in items 1 and 2 of Schedule 2 need not be stated.
- (2) Every return made in accordance with article 5(1) or (2) must state also the particulars specified in items 24 to 31 of Schedule 2.
- (3) Every return made in accordance with article 5(4) must state also the particulars specified in item 34 of Schedule 2.
- (4) Every return made in accordance with article 5(7) must state also the particulars specified in item 35 of Schedule 2.
- (5) Every return referred to in article 5(5) need state only the particulars specified in items 3, 4, 5, 24, 25, 26, 29, 32 and 33 of Schedule 2.
- (6) Every return referred to in article 5(6) must state the particulars specified in Schedule 3.

Clerk of the Privy Council

SCHEDULE 1

Articles 2(3), 4(2) and 5

PERSONS WITH RESPECT TO WHOM AND BY WHOM RETURNS ARE TO BE MADE

<i>(1)</i> Premises, vessel or other place	<i>(2)</i> Persons
<p>GROUP I Any dwelling occupied by a household.</p>	<p>Every person who—</p> <p>(a) is usually resident in the dwelling;</p> <p>(b) not being a person to whom paragraph (a) above refers, is in full-time education and has a home address in the dwelling.</p>
<p>GROUP II Any hotel or guest house.</p>	<p>Every person who is usually resident in the premises and who has not been included in any other return in the United Kingdom.</p>
<p>GROUP III Any hospital, nursing home, religious or charitable community or other residential establishment whatsoever, not being an establishment mentioned elsewhere in this Schedule.</p>	<p>Every person who is usually resident in the premises and who has not been included in any other return in the United Kingdom.</p>
<p>GROUP IV Any residential school, college or other educational establishment.</p>	<p>Every person who is usually resident in the premises.</p>
<p>GROUP V Any civil prison or other place of detention.</p>	<p>Every person who is usually resident in the premises and who has not been included in any other return in the United Kingdom.</p>
<p>GROUP VI Any vessel which is at a port in Scotland at midnight ending census day, barracks, station or other premises under naval, military or air force discipline.</p>	<p>Every person who is usually resident on the vessel or in the premises and who has not been included in any other return in the United Kingdom.</p>
<p>GROUP VII Any vessel which is at a port in Scotland at midnight ending census day not included in Group VI.</p>	<p>Every person who is usually resident on the vessel and who has not been included in any other return in the United Kingdom.</p>
<p>GROUP VIII Any other place not included in the above Groups.</p>	<p>Every person who has no usual address.</p>

SCHEDULE 2

Article 6(1), (2), (3), (4) and (5)

PARTICULARS TO BE STATED IN RETURNS

1. *The total number of people who are usually resident and for each person who is usually resident that person's connection to the household and whether an individual form is being completed by that person.*

2. *For any person specified in column (2) of Group I, that person's relationship to the first person mentioned in the return, and, as the case may be, where there are 5 or fewer persons in the household, the relationship of each of the previous persons mentioned in the return and where there are 6 or more persons in the household, the relationship of the sixth and subsequent persons to the two previously mentioned persons in the return.*

3. First name and last name.

4. Sex.

5. Date of birth.

6. As regards marital or same-sex civil partnership status, whether—

(a) never married or in a registered same-sex civil partnership;

(b) married;

(c) in a registered same-sex civil partnership;

(d) separated, but still legally married;

(e) separated, but still legally in a same-sex civil partnership;

(f) divorced;

(g) formerly in a same sex civil partnership which is now legally dissolved;

(h) widowed; or

(i) surviving partner from a same sex civil partnership.

7. *Whether or not a schoolchild or student in full-time education and, if yes, whether or not living at the address to which the return relates during the school, college or university term.*

8. *Country of birth and, if not born in the United Kingdom, month and year of most recent arrival to live in the United Kingdom.*

9. *Whether or not looking after, or giving any help or support to, family members, friends, neighbours or others because of either long-term physical or mental ill-health or disability, or because of problems related to old age and, if so, number of hours spent on this in a typical week excluding anything done as part of any paid employment.*

10. *In respect of any person whose usual residence on 27th March 2010 was not the same as on census day, the usual residence on 27th March 2010, if any.*

11. The address of the person's main place of work or study.

12. *The usual mode of transport used for the longest part, by distance, of the usual journey to the person's main place of work or study.*

13. As regards the person's religion, religious denomination or body they belong to, whether—

(a) none;

(b) Church of Scotland;

(c) Roman Catholic;

(d) other Christian;

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument.
This draft has been replaced by a new draft, *The Census (Scotland) Order 2010* ISBN 978-0-11-100790-7

- (e) Muslim;
 - (f) Buddhist;
 - (g) Sikh;
 - (h) Jewish;
 - (i) Hindu;
 - (j) Pagan; or
 - (k) other religion and if so stating which.
14. As regards national identity, whether—
- (a) *Scottish*;
 - (b) *English*;
 - (c) *British*;
 - (d) *Polish*;
 - (e) *Indian*; or
 - (f) *other national identity or identities and if so stating which.*
15. As regards ethnic group, whether—
- (a) White and if so, whether—
 - (i) Scottish;
 - (ii) English;
 - (iii) Welsh;
 - (iv) Northern Irish;
 - (v) British;
 - (vi) Irish;
 - (vii) Gypsy/traveller;
 - (viii) Polish; or
 - (ix) other White ethnic group and if so stating which;
 - (b) Mixed or multiple ethnic groups and if so stating which;
 - (c) Asian, Asian Scottish or Asian British and if so, whether—
 - (i) Pakistani, Pakistani Scottish or Pakistani British;
 - (ii) Indian, Indian Scottish or Indian British;
 - (iii) Bangladeshi, Bangladeshi Scottish or Bangladeshi British;
 - (iv) Chinese, Chinese Scottish or Chinese British; or
 - (v) other Asian, Asian Scottish or Asian British background if so stating which;
 - (d) African, Caribbean or Black and if so, whether—
 - (i) African, African Scottish or African British;
 - (ii) Caribbean, Caribbean Scottish or Caribbean British;
 - (iii) Black, Black Scottish or Black British; or
 - (iv) any other African, Caribbean or Black background if so stating which; or
 - (e) other ethnic group and if so, whether—
 - (i) Arab, Arab Scottish or Arab British; or

(ii) other ethnic group and if so stating which.

16. In respect of any person—

- (a) whether or not able to—
 - (i) understand, speak, read or write English;
 - (ii) understand, speak, read or write Scottish Gaelic; and
 - (iii) understand, speak, read or write Scots;
- (b) extent of ability to speak English; and
- (c) whether a language other than English is used in the accommodation occupied by the household and if so stating which.

17. *Whether the person's health is on the whole very good, good, fair, bad or very bad.*

18. *Whether the person has a condition that has lasted, or is expected to last, at least 12 months and if so, whether—*

- (a) *deafness or partial hearing loss;*
- (b) *blindness or partial sight loss;*
- (c) *a learning disability;*
- (d) *a learning difficulty or developmental disorder;*
- (e) *a mental health condition;*
- (f) *a long-term illness, disease or condition; or*
- (g) *another condition and if so stating which.*

19. *Whether or not the person has a health problem or disability which limits day-to-day activities and which has lasted, or is expected to last, at least 12 months.*

20. *In respect of any person aged 16 years or over on census day, the levels of academic and vocational qualifications obtained (including foreign qualifications).*

21. In respect of any person aged 16 years or over, whether or not that person was at any time during the week preceding census day—

- (a) working as an employee;
- (b) *on a Government sponsored training scheme;*
- (c) self employed or freelance;
- (d) working paid or unpaid for his or her own or family business;
- (e) away from work ill, on maternity leave, on holiday or temporarily laid off; or
- (f) doing any other kind of paid work.

22. *In respect of any person aged 16 years or over, who was not doing any work at any time during the week preceding census day,—*

- (a) *whether or not that person was actively looking for any kind of paid work during the 4 weeks preceding census day;*
- (b) *whether or not, if a job had been available during the week preceding census day, that person could have started it within 2 weeks;*
- (c) *whether or not, during the week preceding census day, that person was waiting to start a job already obtained;*

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument.
This draft has been replaced by a new draft, *The Census (Scotland) Order 2010* ISBN 978-0-11-100790-7

- (d) *whether, during the week preceding census day, that person was retired, was a student, was looking after home or family, was permanently sick or disabled or was not working due to another reason; and*
- (e) *whether or not that person has ever worked and, if so, the year in which that person last worked.*

23. In respect of any person who has ever worked and who is aged 16 years or over, for the main job that person was doing during the week preceding census day, or if not working during that week, for that person's last main job—

- (a) whether that person was an employee, self employed or freelance without employees, or self employed with employees;
- (b) what was the full and specific title of that person's main job;
- (c) what activities were undertaken by that person;
- (d) whether or not that person supervised any other employees;
- (e) how many hours a week that person usually worked;
- (f) what was the main activity of that person's employer or business; and
- (g) the full name of the organisation that person worked for, or, as the case may be, that there was no such organisation.

24. Whether the living accommodation occupied by the household to which the return relates is a—

- (a) whole house or bungalow and if so, whether—
 - (i) detached;
 - (ii) semi detached; or
 - (iii) terraced (including end terrace);
- (b) flat, maisonette or apartment and if so, whether—
 - (i) in a tenement or purpose built block of flats (including '4-in-a-block');
 - (ii) part of a converted or shared house (including bed sits); or
 - (iii) in a commercial building; or
- (c) caravan or other mobile or temporary structure.

25. Whether or not the accommodation occupied by the household to which the return relates is self contained.

26. Number of rooms for use only by the household to which the return relates excluding any bathrooms, toilets, halls or landings, or rooms that can only be used for storage.

27. *Whether the household to which the return relates—*

- (a) *owns the accommodation outright;*
- (b) *owns the accommodation with a loan or a loan secured over heritable property;*
- (c) *pays part rent and part loan secured over heritable property;*
- (d) *rents the accommodation; or*
- (e) *lives in the accommodation rent free.*

28. *Where the household rents the accommodation or lives in the accommodation rent free, whether the landlord is—*

- (a) *a local authority;*
- (b) *housing association or registered social landlord;*

- (c) *private landlord or letting agent;*
 - (d) *employer of a household member;*
 - (e) *relative or a friend of household member; or*
 - (f) *other category of landlord.*
- 29.** Whether or not the accommodation to which the return relates has central heating and if so which type.
- 30.** *Number of cars and vans owned, or available for use, by one or more members of the household to which the return relates.*
- 31.** *The gross annual income of the household.*
- 32.** *In respect of visitors—*
- (a) *the number of visitors who are present at the address on census night; and*
 - (b) *whether they—*
 - (i) *have a permanent or family home elsewhere in the United Kingdom;*
 - (ii) *usually live outside the United Kingdom and are staying in the United Kingdom for less than 6 months;*
 - (iii) *usually live somewhere else in the United Kingdom; or*
 - (iv) *are visiting as a holiday.*
- 33.** In respect of any visitor, that person’s usual or permanent address.
- 34.** *Where the person is usually resident in a household and has elected to make a return under article 5(4), that person’s number within that household.*
- 35.** *Where the person is usually resident in a communal establishment whether that person is—*
- (a) *a resident;*
 - (b) *a member of staff or the owner of the establishment; or*
 - (c) *a family member or partner of a member of staff or the owner.*

SCHEDULE 3

Article 6(6)

PARTICULARS TO BE STATED IN RETURNS - COMMUNAL ESTABLISHMENT GROUPS II, III, IV, V or VII

- 1.** *Number of individual forms issued.*
- 2.** *Number of individual forms collected.*
- 3.** *The number of visitors who are present at the establishment on census night.*
- 4.** *Type of establishment which may include—*
 - (a) *the nature of the establishment;*
 - (b) *the category or categories of person which the establishment caters for, the physical or mental condition attributable to that category or those categories of person and the type of services which the establishment provides; and*
 - (c) *the person or body who is responsible for the management of the establishment.*

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument.
This draft has been replaced by a new draft, *The Census (Scotland) Order 2010* ISBN 978-0-11-100790-7

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the taking of a census for Scotland on 27th March 2011. The Order specifies the persons by whom and with respect to whom the census returns are to be made and sets out the particulars to be stated in the returns.