

Draft Order laid before the Scottish Parliament under section 1(2) of the Census Act 1920, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

CENSUS

The Census (Scotland) Order 2020

Made - - - - 2020
Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the []
Present,
The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 1(1) and 8(1A)(b) of the Census Act 1920(1) and all other powers enabling Her Majesty to do so.

In accordance with section 1(2) of that Act(2) a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament(3).

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Census (Scotland) Order 2020 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—

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- (1) 1920 c.41. Section 8(1A) was inserted by the Census (Amendment) (Scotland) Act 2000 (asp 3), section 1(2), and substituted by the Census (Amendment) (Scotland) Act 2019 (asp 12), section 1(3).
- (2) Section 1(2) has been modified by the Statutory Instruments Act 1946 (c.36), section 6(2), and by the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), schedule 3, paragraphs 3 and 5.
- (3) The powers in section 1(1) (to prescribe particulars with respect to the matters mentioned in paragraph 6 of the schedule and otherwise) and section 8(1A)(b) of the Census Act 1920 are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. This Order is subject to the affirmative procedure by virtue of section 33(3) of that Act.

“the Act” means the Census Act 1920,

“census day” means 21 March 2021,

“census night” means the night of 21 to 22 March 2021,

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

“household” is to be construed in accordance with paragraph (4),

“householder” means—

(a) in relation to a dwelling in Group I, a person who is usually resident at that dwelling and either—

(i) owns or rents accommodation at that dwelling, or

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

or both and includes a joint householder and an acting householder,

(b) in relation to a dwelling in Group VIII, a person who is usually resident in Scotland and who owns accommodation at that dwelling,

“residential dwelling” means a dwelling for which there is an address but which is not—

(a) a hotel or guest house,

(b) a hospital, nursing home, religious or charitable community or other residential establishment whatsoever,

(c) a residential school, college or other educational establishment,

(d) premises or other place in Group V or Group VI,

“usually resident” is to be construed in accordance with paragraphs (6) to (11), and

“visitor” means any person who is staying 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—

(a) any reference to a numbered Group is a reference to the Group so numbered in schedule 1,

(b) any reference to a dwelling, premises or a place in a numbered Group is a reference to a dwelling, premises or a place specified in column (1) of that Group,

(c) any reference to a person in a numbered Group is a reference to a person specified in column (2) of that Group.

(4) For the purposes of this Order—

(a) in the case of a sheltered or retirement housing development (within the meaning of section 54(3) of the Title Conditions (Scotland) Act 2003(4)), a household is a person or a group of persons (whether related or not) living in one flat or unit within the development and having a usual address there,

(b) in the case of a dwelling which is mobile or of temporary construction, the household is the person or relevant group living in that dwelling at the place which is that person’s, or that group’s, usual place of residence,

(c) in the case of any other dwelling the household is the person or relevant group living in that dwelling and having a usual address at that dwelling.

(4) 2003 asp 9.

(5) In paragraph (4), “relevant group” means a group of persons (whether or not related) who share cooking facilities and any one or more of the following—

- (a) a living room,
- (b) a sitting room,
- (c) a dining area.

(6) For the purposes of this Order a person is usually resident in Scotland if on census night any one or more of the following apply—

- (a) the person—
 - (i) has a permanent or family home in Scotland, and
 - (ii) is not staying, nor intends to stay, outside the United Kingdom for a total of 12 months or more in the period beginning with 22 March 2020 and ending with 20 March 2022,
- (b) the person—
 - (i) is staying in Scotland, and
 - (ii) is staying, or intends to stay, in the United Kingdom for a total of 6 months or more in any consecutive 12 month period within the period beginning with 22 March 2020 and ending with 20 March 2022,
- (c) the person—
 - (i) has a permanent or family home in Scotland,
 - (ii) is in full-time education, and
 - (iii) has a term-time address outside Scotland,
- (d) the person is a member of the armed forces and has (either or both)—
 - (i) a permanent or family home in Scotland,
 - (ii) a base address, home port address or naval base address in Scotland.

(7) Subject to paragraphs (8) to (11), for the purposes of this Order, a person who is usually resident in Scotland is also usually resident at a dwelling, premises or other place—

- (a) in Group I—
 - (i) if the dwelling is that person’s only permanent or family home,
 - (ii) if the dwelling is where the person spends or intends to spend the most number of daily rest periods, or
 - (iii) if, on census night, the person is staying at the dwelling, does not have a permanent or family home and is not usually resident at any other dwelling, premises or place in Group I, II, III, IV or VI,
- (b) in Group II, III or IV—
 - (i) if the person is staying, or intends to stay, at the premises for a period of 6 months or more, or
 - (ii) if, on census night, the person is staying at the premises or other place, does not have a permanent or family home and is not usually resident at any dwelling in Group I or any other premises or place in Group II, III, IV or VI,
- (c) in Group V—
 - (i) if the person is in custody at the premises on census night and is spending a period of 6 months or more in custody, whether at the premises or elsewhere,

- (ii) if, on census night, the person is in custody at the premises, does not have a permanent or family home and is not usually resident at any dwelling, premises or other place in Group I, II, III, IV or VI,
- (d) in Group VI if the person has a base address, home port address, or naval base address at the premises and does not have a permanent or family home.
- (8) Where a person is usually resident at premises or another place by virtue of paragraph (7)(b), (c) or (d) that person is not usually resident at any dwelling in Group I.
- (9) Except as provided for in paragraph (8) any period of stay or custody in any premises or other place in Group II to VI is to be disregarded in determining whether a person is usually resident at a dwelling in Group I.
- (10) A person in full-time education who usually spends four or more nights per week during term-time at an address other than that person's permanent or family home is usually resident—
 - (a) at the person's permanent or family home (if the person has one), and
 - (b) at that other address.
- (11) A person under the age of 16 years who spends an equal number of daily rest periods at two or more dwellings in Group I is, for the purposes of paragraph (7)(a)(ii), to be taken as spending the most number of such periods at the dwelling where the person is staying on census night.

Date on which census is to be taken

- 3. A census is to be taken for Scotland on 21 March 2021.

Persons with respect to whom the returns are to be made

- 4. For the purpose of the census, returns must be made in accordance with the provisions of this Order with respect to persons who are alive at 0000 hours on census night.

Persons by whom the returns are to be made

- 5.—(1) Where a dwelling is occupied by a household consisting of one person in Group I, that person must make a return with respect to that person and every visitor at that dwelling.
- (2) Where a dwelling is occupied by a household consisting of more than one person in Group I a return must be made with respect to every person in Group I and every visitor at that dwelling.
- (3) Subject to paragraph (12), a return under paragraph (2) is to be made by—
 - (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.
- (4) Any person with respect to whom a return falls to be made in accordance with paragraph (2) may elect to make an individual return with respect to that person if the person is—
 - (a) aged 16 years or over on census day,
 - (b) capable of completing the form of return, and
 - (c) not a visitor.
- (5) A person (“A”) who has, in accordance with paragraph (4), elected to make an individual return—
 - (a) may, but need not, notify the person making the return under paragraph (2) that A has so elected, and
 - (b) must make the individual return.

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

(7) Every person in Groups II, III, IV, V, VI and, subject to paragraph (8), Group VII must make an individual return, but where any such person is not aged 16 years or over or is, for any other reason, incapable of making a return and that person is—

- (a) a person in 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 arrange for it to be made by a relative or other person accompanying that person,
- (b) a person in 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 in Group V, then the director or governor or other person for the time being in charge of the premises must make a return with respect to that person or arrange for it to be made by a member of staff of the owner of the establishment,
- (d) a person in 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,
- (e) a person in Group VII, 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 in Group VII 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.

(9) Subject to paragraphs (10) to (12), in the case of a dwelling in Group VIII, the householder must make a return with respect to the person in Group VIII and every visitor at that dwelling.

(10) A return need not be made under paragraph (9) if, in relation to the dwelling to which the return relates, either or both of the following apply—

- (a) for a period of 6 months or more ending with census day, no person has stayed or lived at the dwelling,
- (b) the householder expects that, for a period of 6 months or more including census day, no person will stay or live (or will have stayed or lived) at the dwelling.

(11) The return referred to in paragraph (9) may be made by any person authorised by the householder to make the return or by any visitor staying at the dwelling on census night.

(12) The obligation to make a return under paragraph (2) or (9) is satisfied if, as the case may be, any householder or member of the household mentioned in paragraph (3)(b) makes such a return.

Particulars to be stated in the returns

6.—(1) Every return referred to in article 5(1), (2), (5)(b), (7) and (8) must state with respect to each person required to be included in that return the particulars specified in paragraphs 1 to 27 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) must instead state the particulars specified in paragraphs 3, 4, 5, 35 and 36 of schedule 2,
- (b) in the case of a person who, in accordance with article 5(5)(a), gives notice of an election to make an individual return, the return which falls to be made in accordance with article 5(2) must instead state, with respect to that person, the particulars specified in paragraphs 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 must instead state, with respect to that person, the particulars specified in paragraphs 1 to 6, 8 and 9 of schedule 2, and
 - (d) in the case of any return referred to in article 5(5)(b), (7) or (8) the return must instead state the particulars specified in paragraphs 3 to 27 of schedule 2.
- (2) Every return made in accordance with article 5(1) or (2) must state also the particulars specified in paragraphs 28 to 34 of schedule 2.
- (3) Every return made in accordance with article 5(5)(b) and in respect of which a notification has been made under article 5(5)(a) must state also the particulars specified in paragraph 37 of schedule 2.
- (4) Every return referred to in article 5(6) must state the particulars specified in schedule 3.
- (5) Every return made in accordance with article 5(7) must state also the particulars specified in paragraph 38 of schedule 2.
- (6) Every return referred to in article 5(9) must state the particulars specified in the following paragraphs of schedule 2—
- (a) paragraphs 28, 29, 30 and 33 as modified by paragraph (7),
 - (b) with respect to a person in Group VIII who is not a visitor, paragraph 3,
 - (c) with respect to any visitors, paragraphs 3, 4, 5, 35 and 36.
- (7) Those modifications are that—
- (a) in paragraphs 28 and 29 the words “occupied by the household” are omitted, and
 - (b) in paragraph 30 the words “only by the household” are replaced with the words “in the accommodation”.

Disapplication of liability to penalty for refusing or neglecting to state particulars with respect to transgender status and history

7. The particulars specified in paragraph 6 of schedule 2 are prescribed for the purposes of section 8(1A) of the Act (disapplication of liability to penalty for refusing or neglecting to state certain particulars).

Name
Clerk of the Privy Council

SCHEDULE 1

Articles 2 and 5

PREMISES IN RELATION TO WHICH, AND PERSONS
WITH RESPECT TO WHOM, RETURNS ARE TO BE MADE

<i>(1)</i> <i>Premises or other place</i>	<i>(2)</i> <i>Persons</i>
<p>GROUP I Any dwelling occupied by a household.</p> <p>GROUP II Any hotel or guest house, not being a dwelling occupied by a household, and excluding any part of the premises which constitutes such a dwelling.</p> <p>GROUP III Any hospital, nursing home, religious or charitable community or other residential establishment whatsoever, not being a dwelling or an establishment mentioned elsewhere in this schedule, and excluding any part of the premises which constitutes a dwelling or establishment so mentioned.</p> <p>GROUP IV Any residential school, college or other educational establishment, not being a dwelling occupied by a household, and excluding any part of the premises which constitutes such a dwelling.</p> <p>GROUP V Any civil prison or other place of detention.</p> <p>GROUP VI Any barracks, station or other premises under naval, military or air force discipline.</p> <p>GROUP VII</p> <p>GROUP VIII Any residential dwelling which is not occupied by a household consisting of persons in Group I.</p>	<p>Every person who is usually resident in the dwelling.</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>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>Every person who is usually resident in the premises.</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>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>Every person usually resident in Scotland but not usually resident at any dwelling or premises mentioned elsewhere in this schedule and who has not been included in any other return in the United Kingdom.</p> <p>The householder or, if there is more than one householder, one of those householders.</p>

SCHEDULE 2

Article 6

PARTICULARS TO BE STATED IN RETURNS

1. *The number of persons in Group I, the connection between those persons and the dwelling or the household and, for each such person, whether the person has made a notification in accordance with article 5(5)(a).*
2. *For any person in Group I (other than the first person mentioned in the return)—*
 - (a) *where the person is the second, third, fourth or fifth person mentioned in the return, the person's relationship to each of the persons mentioned previously in the return,*
 - (b) *where the person is the sixth or subsequent person mentioned in the return, the person's relationship to each of the two persons mentioned immediately before that person in the return and to the first person mentioned in the return.*
3. First name and last name.
4. Sex.
5. Date of birth.
6. In respect of any person aged 16 years or over, whether the person is transgender or has a transgender history and, if so, a description of that person's transgender status or history.
7. In respect of any person aged 16 years or over, as regards sexual orientation, whether—
 - (a) straight / heterosexual,
 - (b) gay or lesbian,
 - (c) bisexual, or
 - (d) another sexual orientation and, if so, which.
8. As regards the marital or civil partnership status of any person aged 16 years or over, whether—
 - (a) never married and never in a civil partnership,
 - (b) married,
 - (c) in a civil partnership,
 - (d) separated, but still legally married,
 - (e) separated, but still legally in a civil partnership,
 - (f) divorced,
 - (g) formerly in a civil partnership which is now legally dissolved,
 - (h) widowed, or
 - (i) surviving partner from a civil partnership.
9. *In respect of any person aged 4 years or over, whether a schoolchild or student in full-time education and, if so, whether living at the address to which the return relates during term time.*
10. Country of birth *and, if not born in the United Kingdom, month and year of most recent arrival to live in the United Kingdom.*
11. *In respect of any person aged 3 years or over, whether 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.*
12. *In respect of any person aged 1 year or over whose usual residence on 21 March 2020 was not the same as on census day, the usual residence on 21 March 2020, if any.*

13. In respect of any person aged 4 years or over—
- (a) with a main place of work or study in the United Kingdom, the address of that place,
 - (b) with a main place of work or study in a country outside the United Kingdom, the name of that country.
14. *In respect of any person aged 4 years or over, 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, if any.*
15. As regards the religion, religious denomination, school or body they belong to, whether—
- (a) none,
 - (b) Church of Scotland,
 - (c) Roman Catholic,
 - (d) another Christian denomination or body and, if so, which,
 - (e) Muslim and, if so, which such denomination or school,
 - (f) Hindu,
 - (g) Buddhist,
 - (h) Sikh,
 - (i) Jewish,
 - (j) Pagan, or
 - (k) another religion or body and, if so, which.
16. Whether the person holds (or has previously held and would, if applied for, be entitled again to hold) a passport issued by—
- (a) the Government of the United Kingdom, the Lieutenant-Governor of any of the Channel Islands or the Isle of Man, or the Government of any territory which is for the time being a British overseas territory the meaning given in section 50(1) of the British Nationality Act 1981(5),
 - (b) the Government of Ireland,
 - (c) the government of another country and, if so, which.
17. *As regards national identity, whether—*
- (a) *Scottish,*
 - (b) *English,*
 - (c) *Northern Irish,*
 - (d) *Welsh,*
 - (e) *British, or*
 - (f) *another national identity or identities and, if so, which.*
18. As regards ethnic group, whether—
- (a) White and, if so, whether—
 - (i) Scottish,
 - (ii) Other British,
 - (iii) Irish,
 - (iv) Polish,

(5) 1981 c.61. Section 50(1) was relevantly amended by the British Overseas Territories Act 2002 (c.8), section 1(1)(a).

- (v) Gypsy / Traveller,
 - (vi) Roma,
 - (vii) Showman / Showwoman, or
 - (viii) another white ethnic group and, if so, which,
 - (b) Mixed or multiple ethnic groups and, if so, which,
 - (c) Asian, Scottish Asian or British Asian and, if so, whether—
 - (i) Pakistani, Scottish Pakistani or British Pakistani,
 - (ii) Indian, Scottish Indian or British Indian,
 - (iii) Bangladeshi, Scottish Bangladeshi or British Bangladeshi,
 - (iv) Chinese, Scottish Chinese or British Chinese, or
 - (v) another Asian, Scottish Asian or British Asian ethnic group and, if so, which,
 - (d) African, Scottish African or British African and, if so, which such ethnic group,
 - (e) Caribbean or Black and, if so, which such ethnic group,
 - (f) another ethnic group and, if so, whether—
 - (i) Arab, Scottish Arab or British Arab, or
 - (ii) another ethnic group and, if so, which.
- 19.** In respect of any person aged 3 years or over and the person’s language—
- (a) how well the person can understand spoken English, speak English, read English and write English,
 - (b) whether the person can understand spoken Scottish Gaelic, speak Scottish Gaelic, read Scottish Gaelic or write Scottish Gaelic,
 - (c) whether the person can understand spoken Scots, speak Scots, read Scots and write Scots,
 - (d) whether the person is able to use British Sign Language,
 - (e) whether English is the person’s main language and, if not, which language is.
- 20.** *Whether the person’s health is in general very good, good, fair, bad or very bad.*
- 21.** *Whether, in respect of conditions which have lasted or are expected to last for at least 12 months, the person has one or more of the following—*
- (a) *deafness or partial hearing loss,*
 - (b) *blindness or partial sight loss,*
 - (c) *full or partial loss of voice or difficulty speaking,*
 - (d) *a learning disability,*
 - (e) *a learning difficulty,*
 - (f) *a developmental disorder,*
 - (g) *a physical disability,*
 - (h) *a mental health condition,*
 - (i) *a long-term illness, disease or condition which does not fall within subparagraphs (a) to (h),*
 - (j) *another condition and, if so, which.*

22. *Whether 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 and, if so, whether those activities are limited a little or a lot.*

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

24. *In respect of any person aged 16 years or over, whether the person has previously served in the United Kingdom Armed Forces and, if so, whether that was in the Regular Armed Forces or the Reserve Armed Forces.*

25. In respect of any person aged 16 years or over, whether that person was at any time during the week preceding census day—

- (a) working as an employee,
- (b) self-employed or freelance,
- (c) temporarily away from work ill, on holiday or temporarily laid off,
- (d) on maternity or paternity leave, or
- (e) doing any other kind of paid work.

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

- (a) *whether that person was actively looking for any kind of paid work during the 4 weeks preceding census day,*
- (b) *whether, if a job had been available during the week preceding census day, that person could have started it within 2 weeks,*
- (c) *whether, during the week preceding census day, that person was waiting to start a job already accepted,*
- (d) *whether, during the week preceding census day, that person was retired, was studying, was looking after home or family, was long-term sick or disabled or was not working due to another reason, and*
- (e) *whether that person has ever done paid work and, if so, whether that was in the 12 months preceding census day.*

27. 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 is or was an employee, self-employed or freelance without employees, or self-employed with employees,
- (b) what is or was the main activity of that person's organisation, business or freelance work,
- (c) what is or was the full title of that person's main job,
- (d) what activities are or were undertaken by that person,
- (e) whether that person supervises or oversees, or supervised and oversaw, any other employees,
- (f) how many hours a week that person usually works or worked, and
- (g) the name of the organisation or business that person works or worked for, or, as the case may be, that there was no such organisation.

28. 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.
- 29.** Whether the accommodation occupied by the household to which the return relates is self-contained.
- 30.** Number of bedrooms for use only by the household to which the return relates.
- 31.** *Whether the household to which the return relates—*
- (a) *owns the accommodation with a loan secured over heritable property,*
 - (b) *owns the accommodation outright,*
 - (c) *owns the accommodation with shared equity,*
 - (d) *rents the accommodation,*
 - (e) *makes payments which are partly rent and partly in respect of a loan secured over heritable property, or*
 - (f) *lives in the accommodation rent-free.*
- 32.** *Where the household rents the accommodation or lives in the accommodation rent-free, whether the landlord is—*
- (a) *a local authority, housing association or other registered social landlord,*
 - (b) *a private landlord, or*
 - (c) *a person or body not mentioned in subparagraph (a) or (b).*
- 33.** Whether the accommodation to which the return relates has central heating and, if so, whether—
- (a) mains gas,
 - (b) other gas (including liquid petroleum gas and biogas),
 - (c) electric (including storage heating),
 - (d) oil,
 - (e) solid fuel (other than wood),
 - (f) wood or biomass (including logs, pellets and chippings),
 - (g) another renewable energy source (including electric and air heat pump systems),
 - (h) district or communal heat system, or
 - (i) another type of central heating.
- 34.** *The number of cars and vans owned, or available for use, by one or more members of the household to which the return relates.*
- 35.** *The number of visitors who are staying at the address on census night, and whether they—*
- (a) *have a permanent or family home elsewhere in the United Kingdom,*

- (b) *usually live outside the United Kingdom and are staying in the United Kingdom for less than 6 months,*
- (c) *usually live somewhere else in the United Kingdom, or*
- (d) *are visiting as a holiday.*

36. In the case of—

- (a) a visitor with a permanent or family home elsewhere in the United Kingdom, the address of that home,
- (b) a visitor who has no permanent or family home in the United Kingdom, but has such a home, or otherwise usually lives, in a country outside the United Kingdom, the name of that country.

37. *The person's number within the household as it appears in the return made in accordance with article 5(2).*

38. *Where the person is usually resident in a communal establishment whether that person is—*

- (a) *the owner of the establishment or is a member of staff of the owner who works at the establishment,*
- (b) *a family member or partner of a person mentioned in subparagraph (a), or*
- (c) *a resident not mentioned in subparagraph (a) or (b).*

SCHEDULE 3

Article 6(4)

PARTICULARS TO BE STATED IN RETURNS – COMMUNAL ESTABLISHMENT GROUPS II, III, IV, V or VI

- 1.** *The number of persons usually resident at the establishment.*
- 2.** The number of females, and the number of males, usually resident at the establishment in each of the following age ranges—
 - (a) 0 to 15 years,
 - (b) 16 to 24 years,
 - (c) 25 to 34 years,
 - (d) 35 to 49 years,
 - (e) 50 to 64 years,
 - (f) 65 years and over.
- 3.** *The number of visitors who are staying at the establishment on census night.*
- 4.** *The type of establishment which may include—*
 - (a) *the nature of the establishment, and*
 - (b) *the person or body who is responsible for the management of the establishment.*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Census Act 1920. It makes provision for a census to be held in Scotland under that Act.

Article 3 provides for the census to be taken on 21 March 2021 (census day).

Article 4 provides for returns to be made with respect to persons alive at midnight at the end of census day.

Article 5 prescribes the persons by whom returns are to be made. It does so by reference to Groups described in schedule 1 according to the premises or other place for which, and the persons with respect to whom, census returns are to be made.

Article 6 and schedules 2 and 3 prescribe the particulars which are to be stated in different types of census return.

Article 7 prescribes certain particulars (those relating to transgender status or history) for the purposes of section 8(1A) of the Census Act 1920. This disapplies some of the penalty provisions in the section 8 in relation to those particulars so that stating those particulars on a census return will be voluntary.