
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

The Census (Scotland) Order 2010

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