SCOTTISH STATUTORY INSTRUMENTS

2000 No. 68

CENSUS

The Census (Scotland) Order 2000

Made - - - -	*15th March 2000*
Coming into force - -	*16th March 2000*

At the Court at Buckingham Palace, the 15th day of March 2000

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order was laid before the Scottish Parliament in accordance with the provisions of 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**) and the Scottish Parliament has by resolution approved so 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 during the period of forty days beginning with the day on which a copy of the draft of the Order was laid before the Scottish Parliament, the Scottish Parliament has not resolved that the draft should not be submitted to Her Majesty in Council:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 1(1) of the Census Act 1920 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Census (Scotland) Order 2000 and shall come into force on the day after the day on which it is made.

(2) This Order extends to Scotland only.

(**1**) 1920 c. 41.
(**2**) 1946 c. 36; 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.

Interpretation

2.—(1) In this Order, unless the context otherwise requires–

"the Act" means the Census Act 1920;

"census day" means 29th April 2001;

"census night" means the night of 29th to 30th April 2001; and

"usually resident" includes persons who–

(a) have a usual address in Scotland;

(b) are present at an address in Scotland on census night and have no other usual address in Scotland or elsewhere;

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

(d) 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; and

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

(2) For the purposes of this Order, a person is in full time education if he 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 article or Schedule is a reference to the article or Schedule bearing that number in this Order;

(b) any reference in an article or Schedule to a numbered paragraph is a reference to the paragraph of that article or Schedule bearing that number; and

(c) 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 shall be taken for Scotland on 29th April 2001.

Persons with respect to whom the returns are to be made

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

(a) all persons who are usually resident in Scotland; and

(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,

who are alive at midnight ending census day.

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

Persons by whom the returns are to be made

5.—(1) Subject to paragraph (2), where a dwelling or part of 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 shall make a return.

(2) A return need not be made under paragraph (1) where the person is absent from the dwelling or the part of the dwelling on census day and does not return to the dwelling or the part of the dwelling within a period of 6 months beginning on census day.

(3) Subject to paragraph (4), where a dwelling or part of 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 joint householders, or the person or persons for the time being acting as householder or joint householders of that household; or

(b) if there is no householder or acting householder of that household, and if there are no joint householders or acting joint householders of that household, the members of that household who are aged 16 years or over on census day,

shall make a return with respect to every person specified in column (2) of Group I, except that the obligation to make the return shall be satisfied in respect of the joint householders or acting joint householders of the household, or, as the case may be, the members of the household aged 16 years or over if any one of their number completes such a return on their behalf.

(4) A return need not be made under paragraph (3) where all the members of the household are absent from the dwelling or the part of the dwelling on census day and none of those members returns to the dwelling or the part of the dwelling within a period of 6 months beginning on census day.

(5) Any person with respect to whom a return falls to be made in accordance with paragraph (3) who–

(a) is aged 16 years or over on census day; and

(b) is himself capable of completing the form of return,

may elect to make an individual return, and any person who makes such an election shall make a return with respect to himself.

(6) Every person specified in column (2) of Groups II, III, IV, V, VI, VII and, subject to paragraph (7), VIII shall make a return with respect to himself, but where any such person is, for any reason, incapable of making a return then–

(a) if he is a person specified in column (2) of Group II, the manager or other person for the time being in charge of the hotel or guest house shall 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) if he is a person specified in column (2) of Groups III or IV, the return shall be made with respect to him by the chief resident officer or other person for the time being in charge of the premises;

(c) if he is a person specified in column (2) of Group V, the return shall be made with respect to him by the director or governor or other person for the time being in charge of the premises;

(d) if he is a person specified in column (2) of Group VI, the return shall be made with respect to him by the commanding officer or other person for the time being in charge of the premises or vessel;

(e) if he is a person specified in column (2) of Group VII, the return shall be made with respect to him by the captain or master or other person for the time being in charge of the vessel; or

(f) if he is a person specified in column (2) of Group VIII, the return may be made with respect to him by any other person capable of doing so on his behalf.

(7) As regards a person specified in column (2) of Group VIII who is capable of making a return, the return referred to in paragraph (6) may be made with respect to him by any other person authorised by him to do so on his behalf.

(8) Where a dwelling or part of a dwelling to which column (1) of Group I applies is occupied only by persons other than those specified in column (2) of Group I, a return in respect of that dwelling or that part of that dwelling shall be made in accordance with paragraph (5) of article 6 by–

(a) the person or persons for the time being acting as householder or joint householders of that household; or

(b) if there is no acting householder and if there are no acting joint householders of that household, the members of that household who are aged 16 years or over on census day,

except that the obligation to make the return shall be satisfied in respect of the acting joint householders of the household, or, as the case may be, the members of the household aged 16 years or over if any one of their number completes such a return on their behalf.

(9) 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, shall make a return in accordance with paragraph (6) of article 6.

Particulars to be stated in the returns

6.—(1) Every return referred to in paragraphs (1), (3), (5), (6) and (7) of article 5 shall state with respect to each person required to be included in that return the particulars specified in items 1 to 20 of Schedule 2 except that–

(a) in the case of a person who in accordance with paragraph (5) of article 5 makes a return with respect to himself, the return which falls to be made in accordance with paragraph (3) of article 5 shall state, with respect to that person, only the particulars specified in items 1 and 2 of Schedule 2;

(b) 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 paragraph (1) or (3) of article 5 relates, that return shall state, with respect to that person, only the particulars specified in items 1 to 7 of Schedule 2; and

(c) in the case of any return referred to in paragraphs (5), (6) or (7) of article 5 the particulars specified in items 1 and 2 of Schedule 2 shall not be stated.

(2) Every return made in accordance with paragraphs (1) and (3) of article 5 shall state also the particulars specified in items 21 to 30 of Schedule 2.

(3) Every return made in accordance with paragraph (5) of article 5 shall state also the particulars specified in item 31 of Schedule 2.

(4) Every return made in accordance with paragraph (6) of article 5 shall state also the particulars specified in item 32 of Schedule 2.

(5) Every return referred to in paragraph (8) of article 5 shall state only the particulars specified in items 21 to 25 of Schedule 2.

(6) Every return referred to in paragraph (9) of article 5 shall state the particulars specified in Schedule 3.

A.K. Galloway
Clerk of the Privy Council