STATUTORY RULES OF NORTHERN IRELAND

2020 No. 83

CENSUS

The Census Order (Northern Ireland) 2020

Laid before the Assembly in draft

Made - - - -	*5th May 2020*
Coming into force - -	*6th May 2020*

The First Minister and deputy First Minister acting jointly make the following Order in exercise of the powers conferred on them by section 1(1) of the Census Act (Northern Ireland) 1969 (**1**)

Citation and Commencement

1. This Order may be cited as the Census Order (Northern Ireland) 2020 and shall come into operation on the day after the day it is made.

Interpretation

2.—(1) In this Order—

"the Act" means the Census Act (Northern Ireland) 1969;

"census day" means 21st March 2021;

"census night" means the night of 21st March into 22nd March 2021;

"dwelling" includes any part of a dwelling and any caravan, boat, vehicle, 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 any one or more of the following—

(a) living room,

(b) sitting room,

(c) dining area;

"householder" in relation to an address means a person who is a usual resident at that address and either—

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

(**1**) 1969 c.8(N.I.); the relevant amendments are S.I. 1999/663, article 2(1) and Schedule 1, paragraph 15; 2004 c.33 section 261(3) and Schedule 29, paragraph 9.

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

or both and "joint householder" is to be interpreted accordingly;

"individual return", in relation to any person, means a return made with respect to that person only;

"reckonable visitor" has the meaning given in paragraph (2)(b);

"usual resident" has the meaning given in paragraph (2)(a).

(2) For the purposes of this Order—

(a) A person is a usual resident at an address in Northern Ireland if any of the following applies–

(i) Except where sub-paragraph (iii), (iv), (v) or (vi) applies, the address is the usual address of that person, whether as a member of the household, paying guest, boarder, employee or otherwise;

(ii) that person spends census night at the address and has no usual address, whether in Northern Ireland, or elsewhere;

(iii) in the case of Groups B and C, that person has resided or intends to reside in the premises at the address for a period of 6 months or more beginning on or before census day;

(iv) that person is registered or otherwise enrolled as a full-time pupil or student at an educational institution and the address is a term-time address;

(v) in the case of Group E, that person is spending a period of 6 months or more in custody, whether at the address or elsewhere;

(vi) in the case of Group F, if the address is the usual address of that person and, apart from such address, the person has no other usual address in the United Kingdom;

or

(vii) if that person stays overnight on census night at an address in Group A, B, C, D, E or F and has no usual address in the United Kingdom;

(b) a person is a reckonable visitor at an address in Northern Ireland if the person-

(i) is not a usual resident at that address (within the meaning of sub-paragraph (a)) and stays overnight at that address; or

(ii) is a visitor from outside the United Kingdom and intends to stay in the United Kingdom for less than 3 months (beginning on the date of arrival in the United Kingdom) and stays overnight on census night at that address;

(c) qualification as a reckonable visitor under sub-paragraph (b)(ii) overrides qualification as a usual resident under sub-paragraph (a).

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

Date of Census

3. A census shall be taken for Northern Ireland on 21st March 2021.

Persons with respect to whom returns to be made

4.—(1) Subject to paragraph (2), for the purpose of that census, returns must be made in accordance with the provisions of this Order with respect to—

(a) all persons present in Northern Ireland on census night; and

(b) all usual residents not included in sub-paragraph (a),

who are alive at midnight at the end of census day.

(2) A return need not be made with respect to any usual resident at an address included in Group A if that person is one to whom article 5(2) applies or is a member of a household to which article 5(4) applies.

(3) A return with respect to any person shall be made in accordance with the provisions of this Order relating to the Group in which that person is included, and in the form prescribed by regulations made under section 3 of the Census Act (Northern Ireland) 1969.

Persons who must make returns

5.—(1) Subject to paragraph (2), where a dwelling referred to in column (1) of Group A is occupied by a household consisting of one usual resident, that person must make a return.

(2) A return need not be made under paragraph (1) where the person is away from the dwelling on census day and is outside the United Kingdom and does not return during the period of 12 months beginning on that day.

(3) Subject to paragraph (4), where a dwelling referred to in column (1) of Group A is occupied by a household consisting of more than one person—

(a) the householder or joint householders; or

(b) in the absence of any such person capable of making a return, any person authorised to act on their behalf,

must make a return with respect to person specified in column (2) of Group A but, where the obligation falls on more than one person, any one of their number may make the return on their behalf.

(4) A return need not be made under paragraph (3)–

(a) in respect of any person—

(i) whom the person required to make the return under paragraph (3) reasonably believes has elected to make an individual return under paragraph 5(a); or

(ii) who has elected to make an individual return under paragraph (5)(b);

(b) where all members of the household are away from the dwelling on census day and are outside the United Kingdom continuously for at least the period of 12 months beginning on that day.

(5) Any usual resident with respect to whom a return falls to be made in accordance with paragraph (3) who is capable of making a return may elect to make an individual return by either—

(a) making a request for an individual return themselves; or

(b) giving consent to a person making a household return under paragraph (3) to request an individual return on their behalf.

(6) Where a person has elected to make an individual return under paragraph (5)(a) or (b) that person must—

(a) make the individual return; or

(b) authorise someone else to make the return on that person's behalf.

(7) Where the person who elected to make an individual return is for any reason incapable of making a return, it may be made on their behalf by anyone else capable of doing so.

(8) Every usual resident specified in column (2) of Group B, C, D, E or F must make an individual return, but where any such person is, for any reason, incapable of making a return then, on behalf of that person—

(a) in a case specified in column (2) of Group B or C, the manager or other person for the time being in charge of the premises must either make the return or arrange for it to be made by a relative or companion of that person; or

(b) in a case specified in column (2) of Group D, E, or F, the return must be made by the person for the time being in charge of the premises or vessel.

(9) Every person specified in column (2) of Group G must make an individual return but–

(a) the return may be made on behalf of the person specified by anyone else authorised by that person; and

(b) where the person specified is incapable for any reason of making a return, it may be made on that person's behalf by anyone else capable of doing so.

(10) Where a dwelling referred to in column (1) of Group A is occupied only by one or more reckonable visitors a return in respect of that dwelling must be made by–

(a) the person or persons who would be the householders if they were usual residents at the address; or

(b) if there is no such person capable of making a return, anyone else authorised to act on their behalf,

but where the obligation falls on more than one person, any one of those persons may make the return on behalf of the other persons on whom the obligation falls.

(11) In the case of any premises or vessel specified in Group B, C, D, E or F, the person for the time being in charge of the premises or vessel must make a return stating the particulars specified in Schedule 3.

Particulars in returns

6.—(1) For the purpose of this article any reference to an item is to an item specified in Schedule 2, and—

"the resident particulars" are those specified in items 1 to 4;

"the visitor particulars" are those specified in items 5 to 7;

"the demographic particulars" are those specified in items 8 to 26;

"the education and employment particulars" are those specified in items 27 to 35;

"the accommodation particulars" are those specified in items 36 to 42; and

"the additional particulars for individual returns" are those specified in items 43 and 44.

(2) Subject to the exceptions in paragraph (4), every return made in accordance with article 5(1) or (3) must state—

(a) the resident particulars

(b) if any reckonable visitor is staying overnight on census night, the visitor particulars;

(c) the accommodation particulars; and

(d) in respect of each usual resident(other than a usual resident who the person required to make the return under article 5(1) or (3) reasonably believes has elected to make an individual return under article 5(5)(a), or a usual resident who has elected to make a return under article 5(5)(b))—

(i) the demographic particulars; and

(ii) the education and employment particulars;

(3) Subject to the exceptions in paragraph (4), every individual return made in accordance with article 5(5), (6), (7) or (8) must state—

(a) the demographic particulars

(b) the education and employment particulars; and

(c) the additional particulars for individual returns.

(4) The requirements in paragraphs (2) and (3) regarding the statement of particulars are subject to the following exceptions—

(a) items 9 and 26 to 34 do not need to be stated in relation to any person who is below the age of 16 years on census day;

(b) item 24 does not need to be stated in relation to any person who is below the age of 5 years on census day;

(c) item 10 do not need to be stated in relation to any person who is below the age of 4 years on census day;

(d) items 18 to 20 do not need to be stated in relation to any person who is below the age of 3 years on census day;

(e) item 13 does not need to be stated in relation to any person who is below the age of 1 year on census day.

(5) Every return made in accordance with article 5(10) must state the visitor particulars and items 36 to 39 within the accommodation particulars.

Arlene Foster
First Minister
Michelle O'Neill
deputy First Minister

Dated 5th May 2020