Draft Order in Council laid before each House of Parliament on 21st October 2009
(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 each House of Parliament;
(b) as respects the remainder of the draft, under section 6(2) of the Statutory Instruments Act 1946 (superseding part of section 1(2) of the Census Act 1920) for it to lie for 40 days pursuant to section 6(1) of the 1946 Act, during which period either House of Parliament may resolve that the draft be not submitted to Her Majesty.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

CENSUS, ENGLAND AND WALES

The Census (England and Wales) Order 2009

Made - - - -	***
Coming into force - -	***

At the Court at Buckingham Palace, the *** day of ***
Present,
The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1(1) of the Census Act 1920(**1**).

In accordance with article 4 of the National Assembly for Wales (Transfer of Functions)(No. 2) Order 2006(**2**) the Minister for the Cabinet Office has consulted the Welsh Ministers before recommending the making of this Order to Her Majesty.

Pursuant to section 1(2) of the 1920 Act, each House of Parliament has by resolution approved those provisions of the Order which prescribe particulars with respect to the matters mentioned in paragraph 6 of the Schedule to that Act (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).

Also pursuant to section 1(2) of that Act and section 6(2) of the Statutory Instruments Act 1946(**3**), a draft of the Order was laid before each House of Parliament for a period of 40 days and neither House has presented an address to Her Majesty against the draft or any part of it.

Accordingly Her Majesty, by and with the advice of Her Privy Council, makes the following Order: —

(**1**) 1920 c.41. The Schedule was amended by paragraph 4 of Schedule 27 to the Civil Partnership Act 2004 (c.33) and by section 1(1) of the Census (Amendment) Act 2000 (c.24) which inserted paragraph 5A.
(**2**) S.I. 2006/3334. The functions of the National Assembly for Wales under article 4 are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
(**3**) 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).

Citation and Commencement

1. This Order may be cited as the Census (England and Wales) Order 2009 and shall come into force on the day after the day on which it is made.

Interpretation

2.—(1) In this Order—

"census day" means 27th March 2011;

"census night" means the night of 27th March 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 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

(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.

(2) For the purposes of this Order—

(a) a person is a usual resident at an address in England or Wales if any of the following applies—

(i) except where paragraph (iii), (iv) or (v) 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 England or Wales, 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 establishment 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; or

(vi) in the case of Group F, paragraph (i) does not apply and 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;

(b) a person is a reckonable visitor at an address in England or Wales if sub-paragraph (a) does not apply and the person spends census night at that address.

(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 England and Wales on 27th March 2011.

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 England or Wales 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 1920(**4**).

Persons by whom returns to be made

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 does not return during the period of 6 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 each 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) where all the members of the household are away from the dwelling on census day and none returns during the period of 6 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—

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

(b) is capable of making a return,

may elect to make an individual return and, if such a return is made, it must be by that person.

(6) 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; and

(**4**) Section 3 was amended by paragraph 3 of Schedule 1 to the Statistics and Registration Service Act 2007 (c. 18).

(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.

(7) 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.

(8) 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 their number may make the return on their behalf.

(9) 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 in accordance with paragraph (5) of article 6.

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 3;

"the visitor particulars" are those specified in items 4 and 5;

"the demographic particulars" are those specified in items 6 to 20;

"the education and employment particulars" are those specified in items 21 to 26;

"the accommodation particulars" are those specified in items 27 to 33;

"the additional particulars for Wales" are those specified in item 34; and

"the additional particulars for individual returns" are those specified in items 35 and 36.

(2) Every return made in accordance with article 5(1) or (3) must state—

(a) the resident particulars;

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

(c) the accommodation particulars; and

(d) in respect of each usual resident other than one who has elected to make an individual return—

(i) the demographic particulars;

(ii) if the person is aged 16 years or over, the education and employment particulars;

(iii) if the person is a usual resident at an address in Wales, the additional particulars for Wales.

(3) Every individual return made in accordance with article 5(5), (6) or (7) must state—

(a) the demographic particulars;

(b) if the person is aged 16 years or over, the education and employment particulars;

(c) if the person is a usual resident at an address in Wales, the additional particulars for Wales; and

(d) the additional particulars for individual returns.

(4) Every return made in accordance with article 5(8) must state the visitor particulars and the accommodation particulars.

(5) Every return made in accordance with article 5(9) must state the particulars specified in Schedule 3.

Name
Clerk to the Privy Council.