

CENSUS LEGISLATION TIMETABLE

Introduction

- 1 This paper briefly sets out the content and timetable for the two pieces of secondary legislation necessary for carrying out the next census in England and Wales – the Census Order and the subsequent Census Regulations.
- 2 Similar pieces of legislation will be required for the 2001 Census to be carried out in Scotland and in Northern Ireland.
- 3 **Advisory Group members are asked to note the timetable for progressing these pieces of secondary legislation, as far as they relate to England and Wales, through the UK Parliament.**

Background

- 4 The legislation covering the census in Great Britain (the Census Act 1920) requires (under Section 1(1)) that, for the purposes of carrying out a specific census, an *Order in Council* be made which prescribes:
 - (a) the date on which the census is to be taken;
 - (b) the persons who are to be responsible for completing the census forms;
 - (c) the persons to whom the census returns relate; and
 - (d) the particulars to be recorded.
- 5 In addition, the detailed arrangements for conducting the census are to be set out (under Section 3(1) of the Act) in *Regulations* to be made by the appropriate Secretary of State. These provide for:
 - (a) the division of the country into geographical areas for the purposes of the census;
 - (b) the appointment of temporary field staff;
 - (c) the duties of such field staff with regards to the delivery and collection of forms to be prescribed;
 - (d) information to be provided by persons in charge of communal establishments;
 - (e) the giving of information by a prescribed person, and the caution against the unlawful disclosure of personal census information;
 - (f) the safe custody of forms and documents;
 - (g) undertakings to be made by field staff and others providing services to the Registrar General regarding the performance of their duties for the purposes of the census ; and
 - (h) the details of the several forms of return.

Census Order

- 6 Currently, a revised draft of the Census Order for England and Wales has been prepared. We are working to the following timetable, although this is subject to change.
- Draft Order laid before Parliament to be announced in Parliament by a Press Release and through a special issue of *Census News* (mid November);
 - Submission of the Draft Order to the Joint Committee for Statutory Instruments (early December);
 - Debate(s) in Parliament (mid December); and
 - Census Order made (mid-February 2000).
- 7 The Draft Order requires both the approval of both Houses of Parliament and to be laid for a period of 40 days. The topics to be included that are specified in the Census Act itself require only negative resolution (that is, they can be included in the census without a formal motion of approval). These would cover the proposed questions on:
- age, sex and marital status;
 - country of birth;
 - ethnic group;
 - employment status in the week before the census;
 - occupation and workplace;
 - Welsh language (in Wales);
 - type of accommodation;
 - number of rooms;
 - household amenities; and
 - lowest floor level.
- All other questions are subject to affirmative resolution, as is the Order as a whole.
- 8 The White Paper on the 2001 Census (Cm 4253) proposed that the census in England and Wales should include a question on religion, subject to the necessary change in the Census Act, which currently precludes such a question. Arrangements have been made to introduce a suitable Bill in the House of Lords, as soon as is possible, to amend the Census Act accordingly. However, it is anticipated that the Census (Amendment) Bill will not receive Royal Assent in time for the Draft Order to specify religion as a question to be included in the Census on the current timetable.
- 9 If this proves to be the case, it will not be possible for any Draft Order laid before Parliament in November to contain reference to the religion question. Instead, a second Order would be required to be laid before Parliament specifying that a question on religion be included in the Census once Royal Assent to the Census (Amendment) Bill had been given.
- 10 A deadline for this is likely to be mid-February 2000 by which date the layout and content of the census forms would need to be finalised for the purposes of the Census

Regulations, and the printing of the forms and agreeing the processing systems with outside contractors.

Census Regulations

11 The Regulations, providing for the detailed arrangements necessary for the conduct of the census, may only be made once the Census Order come into force. They require only negative resolution. Thus, the following timetable is being considered:

- Regulations made by Chancellor of the Exchequer (early March);
- Regulations laid before Parliament (mid March);
- Regulations considered by Joint Committee on Statutory Instruments (end March) and
- Regulations come into force (mid April).

Secondary legislation in Scotland and Northern Ireland

12 The census is a devolved matter in Scotland. Consequently, parallel arrangements are being made to seek approval of equivalent secondary legislation by the Scottish Parliament. Similar arrangements are being made for the necessary legislation, under the terms of the Census Act (Northern Ireland) 1969 for the Census in Northern Ireland.

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