
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

The Census (Scotland) Order 2010

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 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.