

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2010 No. 211**

**The Census (Scotland) Regulations 2010**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Census (Scotland) Regulations 2010 and come into force on 16th June 2010.

(2) These Regulations extend to Scotland only.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Census Act 1920;

“the census” means the census directed to be taken by the Census Order;

“census day” means 27th March 2011;

“census district” means a census district referred to in regulation 3;

“census district manager” means an officer appointed under regulation 4(1)(b);

“census enumerator” means an officer appointed under regulation 4(1)(d);

“the Census Order” means the Census (Scotland) Order 2010(1)

“census team leader” means an officer appointed under regulation 4(1)(c);

“census region” means a region designated under regulation 3(2);

“census regional manager” means an officer appointed under regulation 4(1)(a);

“communal establishment” means any establishment specified in Groups II to VI of column (1) of Schedule 1 to the Census Order;

“Communal Establishment Enumeration Record Book” means the document in which census team leaders or other officers record information about the delivery and collection of Communal Establishment Forms and Communal Establishment Individual Forms;

“dwelling” has the meaning given in article 2(1) of the Census Order;

“enumeration district” means an enumeration district referred to in regulation 3;

“Enumeration Record Book” means the document in which census enumerators or other officers record information about the delivery and receipt of Household Forms and Individual Forms;

“household” has the meaning given in article 2(1) of the Census Order;

“householder” has the meaning given in article 2(1) of the Census Order;

“officer” means a person appointed under regulation 4;

“prescribed person” means a person required by the Census Order to make a return;

“Registrar General” means the Registrar General of Births, Deaths and Marriages for Scotland;

“reply-paid envelope” means a pre-addressed envelope in which Household Forms may be posted which does not require payment by the sender;

“reply-paid individual envelope” means a pre-addressed envelope in which Individual Forms may be posted which does not require payment by the sender;

“return envelope” means an envelope in which a completed Communal Establishment Individual Form may be placed and sealed; and

“visitor” has the meaning given in article 2(1) of the Census Order;.

(2) In these Regulations, a reference to a named form is a reference to the form of return which is identified by that name and set out in Schedule 2.

### **Census districts, enumeration districts and census regions**

3.—(1) For the purpose of the census, the Registrar General must divide Scotland into census districts and must divide each census district into enumeration districts.

(2) The Registrar General may designate any number of adjoining census districts as a census region.

### **Appointment of officers**

4.—(1) For the purpose of the census—

- (a) the Registrar General may appoint a census regional manager for each census region;
- (b) the Registrar General or the census regional manager may appoint a census district manager for each census district;
- (c) the Registrar General, the census regional manager or the census district manager may appoint as many census team leaders for a census district as the Registrar General may specify as being necessary; and
- (d) the Registrar General, the census regional manager or the census district manager may appoint—
  - (i) a census enumerator for each enumeration district; and
  - (ii) such other persons as may be necessary for taking the census.

(2) The persons appointed under paragraph (1) must perform the duties assigned to them under the Act and by these Regulations.

(3) A census enumerator may work in more than one enumeration district with the agreement of—

- (a) the census district manager of the district for which the enumerator is appointed; or
- (b) where the other enumeration district is in a different census region, the census regional manager of the region of the enumeration district for which the enumerator is appointed.

### **Forms of return**

5.—(1) Subject to paragraph (2), the form of return to be made by a prescribed person mentioned in column (1) of Schedule 1, or by any person making a return on behalf of a prescribed person under article 5(7) or (8) of the Census Order, is the form which—

- (a) has the title specified in the corresponding entry in column (2) of Schedule 1; and
- (b) is set out under that title in Schedule 2.

(2) Notwithstanding paragraph (1) a prescribed person mentioned in entry (a) of column (1) of Schedule 1 may make a return electronically using the electronic system provided by the Registrar General for that purpose.

(3) The form of return provided by the Registrar General in the electronic system referred to in paragraph (2) must be the Household Form or as near as may be to that form.

(4) Any person making a return under paragraph (1) or (2) must comply with the instructions contained in the form of return.

(5) The requirement to make a return is discharged when a complete form of return is received by the Registrar General.

### **Supply of forms and other documents**

6.—(1) The Registrar General must issue to every census district manager a sufficient number of forms of return, envelopes, record books and such other forms or documents as may be necessary for the purpose of the census.

(2) Every census district manager must issue to every census team leader and every census enumerator a sufficient number of forms of return, envelopes, record books and such other forms or documents as may be necessary for the purpose of the census.

### **Delivery of Household Forms**

7.—(1) Subject to paragraph (2), the census enumerator must deliver, prior to census day, the Household Form and a reply-paid envelope—

- (a) to the householder (or the person or persons for the time being acting as householder) of each household occupying a dwelling;
- (b) where the householder is not present in a dwelling, to any person the enumerator reasonably believes to act on behalf of the householder; or
- (c) where the dwelling is occupied only by visitors, to a visitor.

(2) A form and envelope are delivered for the purpose of paragraph (1)—

- (a) if the census enumerator hands them to the person specified in paragraph (1); or
- (b) where they cannot be handed to that person, if the census enumerator leaves them at the dwelling.

(3) The census enumerator must make a record in the Enumeration Record Book of the delivery of each form of return delivered in accordance with paragraphs (1) and (2).

(4) The Registrar General may make arrangements for the delivery of the forms of return and reply-paid envelopes referred to in paragraph (1) to be made by post.

### **Issue of Individual Forms**

8.—(1) Any person who satisfies the conditions prescribed in article 5(4) of the Census Order and who elects to make an individual return or a person acting on behalf of that person must, where requested, be supplied with an Individual Form and reply-paid individual envelope.

(2) The census enumerator must make a record in the Enumeration Record Book of the supply of an individual form in accordance with this regulation.

### **Delivery of Communal Establishment Forms and Communal Establishment Individual Forms**

9.—(1) Subject to paragraph (2), the census team leader must deliver, prior to census day, the Communal Establishment Form and the number of Communal Establishment Individual Forms and return envelopes which are necessary for the purpose of the census by handing them to—

- (a) the manager, chief resident officer or other person for the time being in charge of any premises mentioned in Groups II, III or IV in Schedule 1 to the Census Order;
  - (b) the director or governor or other person for the time being in charge of any premises mentioned in Group V in Schedule 1 to the Census Order; and
  - (c) the commanding officer or other person for the time being in charge of any premises or vessel mentioned in Group VI in that Schedule.
- (2) The census team leader must make a record in the Communal Establishment Enumeration Record Book of the delivery of the forms of return delivered in accordance with paragraph (1).
- (3) The Registrar General must make arrangements for the delivery of—
- (a) a Communal Establishment Individual Form and where requested a reply-paid envelope to every person mentioned in Group VII in Schedule 1 to the Census Order; and
  - (b) prior to census day, the number of Communal Establishment Forms and Communal Establishment Individual Forms which are necessary for the purpose of the census to any person appointed under regulation 4(1)(d) to enumerate persons mentioned in Group VII in Schedule 1 to the Census Order.

#### **Issue of forms of return within communal establishments**

**10.**—(1) The manager or other person in charge of any premises to which forms have been delivered in accordance with regulation 9(1) must issue a Communal Establishment Individual Form and, where requested, a return envelope, to every prescribed person on the premises who appears to that manager or other person to be capable of completing the form.

(2) Where the manager or other person in charge has arranged for a return to be made with respect to an incapable person by a relative or person accompanying that person, the manager or other person in charge must issue a Communal Establishment Individual Form and a return envelope to the relative or accompanying person.

#### **Particulars to be completed by census officers**

**11.**—(1) When the census enumerator delivers a Household Form in accordance with regulation 7(1), or issues an Individual Form in accordance with regulation 8, which does not contain the address of the dwelling the enumerator must insert that address and complete the section headed “Official use” on the first page.

(2) When the census team leader delivers a Communal Establishment Form or Communal Establishment Individual Form in accordance with regulation 9(1) which does not contain the address of the communal establishment, the census team leader must complete the section headed “Official use” on the first page.

(3) When a Communal Establishment Form and Communal Establishment Individual Forms are delivered in accordance with regulation 9(3), the person appointed under regulation 9(3)(b) must complete the section headed “Official use” on the first page

#### **Return of completed Household Forms and Individual Forms**

**12.**—(1) Every person who must make a return in accordance with article 5(1), (2) or (5) of the Census Order must by 28th March 2011 or as soon thereafter as is reasonably practicable—

- (a) return the completed form, together with any completed Individual Form given to that person under paragraph (2)(a), by placing it in the reply-paid envelope and—
  - (i) handing it to the census enumerator; or
  - (ii) posting it; or

- (b) complete the form electronically using the electronic system provided by the Registrar General.
- (2) Every person to whom an Individual Form has been issued in accordance with regulation 8 must by 28th March 2011 or as soon as reasonably practicable thereafter return the completed form by placing it in the reply-paid individual envelope and—
  - (a) giving it to the person who must make a return in accordance with article 5(1), (2) or (5) of the Census Order (unless the Household Form has been returned or is to be submitted online);
  - (b) posting it; or
  - (c) handing it to the census enumerator.
- (3) The Registrar General may make such other arrangements for the collection of the particulars to be provided in Household Forms or Individual forms as the Registrar General thinks fit.
- (4) The census enumerator must make a record in the Enumeration Record Book of the receipt of a form of return returned in accordance with this regulation.

### **Return of Communal Establishment Forms and Communal Establishment Individual Forms**

- 13.**—(1) Where in accordance with regulation 10, Communal Establishment Individual Forms and return envelopes have been issued, the manager or other person in charge of the premises must collect the completed returns on 28th March 2011 or as soon thereafter as is reasonably practicable.
- (2) Every person to whom a Communal Establishment Form has been delivered in accordance with regulation 9(1), must return the completed form and any completed Communal Establishment Individual Forms collected in accordance with paragraph (1), by handing them to the census team leader.
- (3) The Registrar General must make arrangements for the collection of completed forms of return from every communal establishment to which forms of return have been delivered in accordance with regulation 9(3).
- (4) The Registrar General may make such other arrangements for the collection of the particulars to be provided in Communal Establishment Forms or Communal Establishment Individual Forms as the Registrar General thinks fit.
- (5) The census team leader must make a record in the Communal Establishment Enumeration Record Book of the receipt of a form of return collected under this regulation.

### **Giving of information**

- 14.**—(1) Every prescribed person must give to the census team leader or the census enumerator such information as they may reasonably require for the performance of duties under these Regulations.
- (2) Every person in respect of whom it is the duty of a prescribed person to make a return must—
  - (a) give to that prescribed person such information as the prescribed person may reasonably require for that purpose; and
  - (b) give to the census enumerator, census team leader, census district manager or other officer such information as that officer may reasonably require for the performance of duties under these Regulations.

### **Follow-up action**

**15.**—(1) The census team leader, the census enumerator or any other officer as directed by the census district manager must examine each form of return returned in accordance with regulations 12 and 13 to ascertain if all entries are properly and sufficiently made.

(2) Where any of the entries on the forms of return are not properly and sufficiently made, the census team leader, the census enumerator or any other officer directed by the census district manager may make any enquiries of the persons concerned in completing that form, or the persons with respect to whom the return is made, as are reasonably necessary to obtain a proper and sufficient form of return.

(3) If by 6th April 2011, the Registrar General has not received a form of return which should have been returned in accordance with these Regulations, the census team leader, census enumerator or any other officer directed by the census district manager may make any enquiries of the persons concerned in completing that form, or the persons with respect to whom the return is to be made, as are reasonably necessary to obtain a proper and sufficient return.

(4) Where the census team leader, the census enumerator or any other officer directed by the census district manager has made enquiries in accordance with paragraph (3), that officer must where appropriate—

- (a) collect the completed form of return;
- (b) arrange to collect the completed form of return on a specified future date;
- (c) agree that a completed Household Form or Individual Form may be returned by posting it in the reply-paid envelope provided;
- (d) deliver any additional forms of return of the type and number necessary for the purpose of obtaining a completed form of return;
- (e) where it has not been possible to contact the persons by whom returns are to be made or if those persons have refused to co-operate, report that fact—
  - (i) in the case of a census enumerator or other officer appointed by the census district manager, to the census team leader or the census district manager; and
  - (ii) in the case of a census team leader, to the census district manager.

(5) The census team leader, census enumerator or other officer directed by the census district manager must make a record in the Enumeration Record Book or the Communal Establishment Enumeration Record Book of the action taken in accordance with paragraphs (2) to (4).

### **Transmission of returns etc to the Registrar General**

**16.**—(1) When directed to do so by the census district manager, the census enumerator must deliver to the census district manager or to the census team leader all forms of return the enumerator has collected and any other written record in the enumerator's possession that contains personal census information, together with any other documents the enumerator is instructed to return.

(2) When directed to do so by the census district manager, the census team leader must deliver to the census district manager all forms of return and any other written record in the team leader's possession that contains personal census information, together with any other documents the team leader is instructed to return.

(3) When directed to do so by the Registrar General, the census district manager must send to the Registrar General all forms of return and other written records or documents delivered to the manager in accordance with paragraphs (1) and (2) and any other written record in the manager's possession that contains personal census information, together with any other documents the manager is instructed to return.

(4) When directed to do so by the Registrar General, the census regional manager must send to the Registrar General any written record in the manager's possession that contains personal census information, together with any other documents the manager is instructed to return.

### **Record keeping**

**17.** Officers must make or maintain any report or record the Registrar General instructs be made or maintained, and must use the documents issued under regulation 6 for that purpose.

### **Prevention of unauthorised access to personal census information**

**18.** Any person having the custody, on their own behalf or on behalf of another person, of any form of return or other document (including electronic documents) containing personal census information must keep said forms and documents in such manner as to prevent any unauthorised person having access to them.

### **Misuse of information**

**19.** A person to whom information is given pursuant to the Census Order and these Regulations must not, other than for the purposes of the Act or these Regulations,—

- (a) make use of that information; or
- (b) publish it or communicate it to any other person.

### **Revocation**

**20.** The following instruments are revoked—

- (a) the Census (Scotland) Regulations 2000(2); and
- (b) the Census (Scotland) Amendment Regulations 2000(3).

St Andrew's House,  
Edinburgh  
24th May 2010

*JIM MATHER*  
Authorised to sign by the Scottish Ministers

---

(2) [S.I. 2000/102](#), amended by [S.I. 2000/194](#).  
(3) [S.I. 2000/194](#).