

CENSUS (AMENDMENT) ACT 2000

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Census (Amendment) Act. They have been prepared by the Office for National Statistics in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

BACKGROUND

The 2001 Census

3. The Government has decided that a Census of Population should be taken throughout the UK in 2001. A White Paper (Cm 4253) was published on 4th March 1999 setting out the Government's proposals for the Census including the topics that should be covered.
4. Central government, local and health authorities, commercial business and the professions need reliable information on the number and characteristics of people and households if they are to conduct many of their activities effectively.
5. The Government, in particular, needs this kind of information to form policy, to plan services for specific groups of people and to distribute resources effectively to local and health authorities to enable them to direct resources to where they are needed.
6. The information must be authoritative, accurate and comparable for all parts of the country. Only a census can provide the information on a uniform basis both about the country as a whole and about individual small areas and sub-groups of the population.

Consultation with users

7. Throughout 1997, the Office for National Statistics conducted a consultation exercise among the census user community to ascertain the business cases and support for a range of topics that were being considered for inclusion in the 2001 Census. In summary, the criteria for accepting these topics were:
 - that there was a clearly demonstrated need;
 - that users' requirements could not adequately be met by information from other sources;
 - that they should be shown, in tests, to have had no significantly adverse effect on the Census as a whole, particularly the level of public response; and
 - that practicable questions could be devised to collect data which is sufficiently accurate to meet users' requirements.

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which received Royal Assent on 28th July 2000*

8. The topics proposed for the Census in the White Paper were those that had been shown to be most needed by central and local government, the health service, academics, businesses and professional organisations. In each case, no other comparable and accessible source of the information is available in combination with other items in the Census. Consideration had been given to the public acceptability of topics and to whether or not questions could be asked in a way that elicits reliable answers. The cost of processing the answers to questions was also assessed in relation to the usefulness of the results. Finally, the overall length and layout of the Census form has been considered so that the burden on the public might be kept to an acceptable level within the overall objective of achieving optimum value from the Census.

The requirement for information on religion

9. The Government proposed in the White Paper that a question on religion should be included in the 2001 Census in England and Wales. The topic will be new to the census in England and Wales, and responses to the question will help provide information which will supplement the output from the ethnic group question by identifying ethnic minority sub-groups, particularly those originating from the Indian sub-continent. In turn, this will provide baseline figures against which the Government can monitor possible racial disadvantage and social exclusion within particular minority groups.
10. The Act extends only to England and Wales. The census is a devolved matter in Scotland where a corresponding piece of legislation – the Census (Amendment) (Scotland) Act 2000 has also been passed by the Scottish Parliament. There is separate census legislation covering Northern Ireland that already provides for a question on religion there.
11. The proposed question is:

What is your religion?

This question is voluntary.

Tick one box only

- None
- Christian (including Church of England, Catholic, Protestant and all other Christian denominations)
- Buddhist
- Hindu
- Jewish
- Muslim
- Sikh
- Any other religion, *please write in*

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In Wales the words “Church in Wales” will be substituted for the words “Church of England” within the Christian category.

12. The proposal to include such a question in the Census has the endorsement of a wide range of organisations, and in particular has the support of the Commission for Racial Equality, the Inner Cities Religious Council, and the Home Secretary’s Race Relations forum.

Technical issues.

13. All census questions are tested to establish:
 - that respondents understand them;
 - that they are publicly acceptable;
 - that the quality of the response is sufficiently high for reliable information to be obtained; and
 - that they do not have an adverse effect on response rates to the Census as a whole.

An earlier version of the proposed question on religion was included in the Census Rehearsal in April 1999 and satisfied these tests.

Existing legislation

14. The primary legislation that provides for the taking of a Census in England and Wales (and in Scotland) is the Census Act 1920. Under the provisions of Section 1(1) of this Act an Order in Council may prescribe:
 - the date on which the census is to be taken; and
 - the persons by whom and with respect to whom the census returns are to be made; and
 - the particulars to be stated in the returns.
15. The Schedule to the Census Act 1920 authorises the inclusion, in the Censuses for England and Wales (and for Scotland), of the following topics in respect of which particulars may be required:
 - Names, sex, age;
 - Occupation, profession, trade or employment;
 - Nationality, birthplace, race, language;
 - Place of abode and character of dwelling; and
 - Condition as to marriage, relation to head of family, issue born in marriage.
16. The inclusion in the Census of questions on other topics is also permitted under paragraph 6 of the Schedule to the Act which says:

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

The need for legislation

17. An Order in Council under the terms of the Census Act and providing for certain specified particulars to be included in the census returns in England and Wales (the Census Order 2000: [S.I. 2000/744](#)) was made on 15th March 2000. An amendment to the Census Act was required to enable religion to be specified as a particular in a subsequent Order in Council.

COMMENTARY ON THE ACT

18. The Act consists of two short sections.

Section 1

19. *Subsection (1)* adds 'Religion' to those topics that are specified in the Schedule to the Census Act as being matters in respect of which particulars may be required to be given in the Census.
20. *Subsection (2)*, which inserts a new subsection (1A) into section 8 of the Census Act, provides that no person shall be liable to a penalty under subsection (1) of section 8 for refusing or neglecting to state any particulars in respect of religion – effectively making the question on religion a voluntary question.

Section 2

21. This section extends the amendment to the Census Act to England and Wales only. The position with respect to the Census in Scotland and Northern Ireland is described in paragraph 10 above.

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COMMENCEMENT

22. The Act came into force on Royal Assent.

HANSARD REFERENCES:

The following table sets out the dates and Hansard references for each stage of this Act's passage through Parliament.

Stage	Date	Hansard reference
House of Lords		
Introduction	16 December 1999	Vol 608 Col 310
Second Reading	27 January 2000	Vol 608 Cols 1709-1722
Committee	3 February 2000	Vol 609 Cols 363-368
Report	3 March 2000	Vol 610 Col 757
Third Reading	28 March 2000	Vol 611 Cols 642-643
House of Commons		
Second Reading	20 June 2000	Vol 352 Cols 266-311
Committee	5 July 2000	Standing Committee D
Report and Third Reading	26 July 2000	Vol 354 Cols 1133-1176

Royal Assent – 28 July 2000