



# Census Act (Northern Ireland) 1969

## 1969 CHAPTER 8

### 1 Power to direct taking of census.

- (1) Subject to the provisions of this Act, the<sup>[F1]</sup> First Minister and deputy First Minister acting jointly may by order] from time to time direct that a census of population shall be taken in Northern Ireland.
- (2) An<sup>[F1]</sup> order] under subsection (1) may prescribe—
- the date on which the census is to be taken;
  - the persons by whom and with respect to whom the returns for the purpose of the census are to be made; and
  - the particulars to be stated in the returns.
- (3) An<sup>[F1]</sup> order] shall not be made under this section so as to require—
- a census to be taken in Northern Ireland in any year unless at the commencement of that year at least five years have elapsed since the commencement of the year in which a census was last taken in Northern Ireland; or
  - any particulars to be stated other than particulars with respect to such matters as are mentioned in the Schedule.
- <sup>[F1]</sup>(4) An order shall not be made under this section unless a draft of the order has been laid before and approved by resolution of the Assembly.]

**F1** SI 1999/663

### 2 Central authority for and expenses of census.

- (1) The Ministry of Finance shall superintend the taking of a census directed to be taken under this Act.
- (2) The Registrar General for Northern Ireland (in this Act referred to as “the Registrar General”) shall make such arrangements and do all such things as he deems necessary for the taking of a census in accordance with the provisions of this Act and of any<sup>[F2]</sup> order] or regulations made thereunder, and for that purpose shall make arrangements

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for the preparation and issue of the necessary forms and instructions and for the collection of the forms when filled up.

- (3) Expenses incurred, with the approval of the Ministry of Finance, for the purposes of this Act may be paid out of moneys provided by Parliament.

**F2** SI 1999/663

### **3 Regulations with respect to proceedings for taking census.**

- (1) For the purpose of enabling any<sup>F3</sup> order] directing a census to be taken to be carried into effect, the Ministry of Finance may make regulations—

- (a) providing for the division of Northern Ireland into districts for the purpose of the census and the appointment of persons to act in those districts in connection with the census;
- (b) requiring such persons to act as and be enumerators for the purposes of this Act, to superintend or assist in the enumeration and to perform such other duties in connection with the taking of the census as may be prescribed by the regulations;
- (c) requiring persons employed for the purpose of the census to give an undertaking with respect to the performance of their duties, and authorising such persons as may be prescribed to witness such an undertaking;
- (d) requiring the chief officers of public or charitable institutions, or of any other institutions prescribed by the regulations, to make returns with respect to the inmates thereof;
- (e) requiring information to be given to the persons liable to make returns by the persons with respect to whom the returns are to be made;
- (f) with respect to the forms to be used in the taking of a census and the distribution and collection of forms and returns; and
- (g) making provision with respect to any other matters with respect to which it is necessary to make provision for the purpose of carrying into effect the provisions of the<sup>F3</sup> order].

- (2) Regulations made under this section shall be subject to negative resolution.

**F3** SI 1999/663

### **4 Abstracts of returns and certificates of population.**

- (1) The Registrar General shall, as soon as may be after the taking of a census, prepare abstracts of and reports on the census returns, and each such report shall be printed and laid before both Houses of Parliament at as early a date as may be found practicable.
- (2) The Registrar General may, at the request of any local authority or any person and on payment of such fee, if any, as he may determine, cause abstracts to be prepared containing statistical information which can be derived from the census returns but is not supplied by the census abstracts or reports and which, in his opinion, the authority or person may reasonably require.
- (3) A certificate purporting to be signed by the Registrar General shall be admitted in any court of law as evidence of the population at a census taken under this Act or any Act

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passed before the passing of this Act of any county, county or other borough, town, district or other area to which it refers, and the Registrar General shall, if possible, deliver such certificate to any person on payment of a fee of one pound.

#### [<sup>F4</sup>5 **Statistics between one census and another.**

The Registrar General shall—

- (a) collect and publish from time to time any available statistical information concerning the population of Northern Ireland in the interval between one census and another, and otherwise further the supply of, and provide for the better co-ordination of, such information; and
- (b) make arrangements with public authorities (within the meaning of the Northern Ireland Act 1998) for the purpose of acquiring any materials or information for the purposes of paragraph (a).]

F4 2005 NI 7

#### **6 Information to be used for census only and returns etc. to be kept secret.**

- (1) Information obtained for the purposes of a census under this Act shall not be used otherwise than in accordance with this Act.
- (2) Information obtained for the purposes of a census under any Act passed before the passing of this Act shall not be used otherwise than in the manner in which information obtained for the purposes of a census under this Act may be used.
- (3) Any person having the custody, whether by himself or on behalf of any other person, of any forms of return, enumeration books or other confidential documents relating to a census taken under this Act or any Act passed before the passing of this Act shall not permit any other person without lawful authority to have access thereto.

#### **7 Penalties for offences.**

- (1) If any superintendent, enumerator, or other person employed under this Act makes wilful default in the performance of his duties under this Act or any [<sup>F5</sup> order] or regulations made or instructions issued thereunder, he shall be guilty of an offence and for each such offence be liable on summary conviction to a fine not exceeding [<sup>F6</sup> level 3 on the standard scale].
- (2) If any person by whom a return is to be made—
  - (a) refuses, or without lawful excuse neglects to fill up or cause to be filled up the form of return to the best of his knowledge and belief, or to sign and deliver it; or
  - (b) wilfully makes, signs, or delivers, or causes to be made, signed, or delivered, any false return of any matter specified in the form; or
  - (c) refuses to answer, or wilfully gives a false answer to, any question necessary for obtaining the information required to be obtained under or for the purposes of this Act; or
  - (d) uses, publishes or communicates to any person otherwise than in accordance with this Act any information given to him for the purpose of making such return;

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he shall be guilty of an offence and shall for each such offence be liable on summary conviction to a fine not exceeding<sup>[F6]</sup> level 3 on the standard scale].

- (3) If any person who is required under this Act to answer any question, refuses to answer, or wilfully gives a false answer, to that question, he shall be guilty of an offence and shall for each such offence be liable on summary conviction to a fine not exceeding<sup>[F6]</sup> level 3 on the standard scale]:

Provided that a person, being required to state his religious profession <sup>[F7]</sup>or any particulars with respect to sexual orientation or gender identity ] , shall not be subject to any penalty for refusing to do so.

<sup>[F8]</sup>(4) If—

- (a) the Registrar General or any person who is—
  - (i) under his control, or
  - (ii) a supplier of services to him; or
- (b) any officer of the Department of Health and Social Services or any person acting on behalf of that Department;

uses, without lawful authority, any personal census information or discloses, without such authority, such information to another person, he shall be guilty of an offence.

- (5) If any person uses any personal census information which he knows has been disclosed in contravention of this Act or discloses such information to another person, he shall be guilty of an offence.

- (6) It shall be a defence for a person charged with an offence under subsection (4) or (5) to prove—

- (a) that at the time of the alleged offence he believed—
  - (i) that he was acting with lawful authority; or
  - (ii) that the information in question was not personal census information; and
- (b) that he had no reasonable cause to believe otherwise.

- (7) A person guilty of an offence under subsection (4) or (5) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

- (8) For the purposes of this section—

- (a) a person is to be treated as under the control of the Registrar General if he is, or has been—
  - (i) employed by the Registrar General (whether or not on a full-time basis); or
  - (ii) otherwise employed, or acting, (whether or not on a full-time basis) on behalf of, or as part of the staff of, the Registrar General for the purposes of this Act;
- (b) a person is to be treated as a supplier of services to the Registrar General if—
  - (i) he supplies, or has supplied, any services to the Registrar General in connection with the discharge by the Registrar General of any of his functions; or
  - (ii) he is, or has been, employed by such a supplier.

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(9) In this section—

“census information” means any information which is—

- (i) acquired by any person mentioned in subsection (4) in the course of any work done by him in connection with the discharge of functions under section 2 or 4;
- (ii) acquired by any such person in the course of working, for purposes of section 5, with any information acquired as mentioned in subparagraph (i); or
- (iii) derived from any information so acquired; and

“personal census information” means any census information which relates to an identifiable person or household.]

<b>F5</b>	SI 1999/663
<b>F6</b>	1984 NI 3
<b>F7</b>	Words in s. 7(3) inserted (8.10.2019) by <a href="#">Census (Return Particulars and Removal of Penalties) Act 2019 (c. 28)</a> , <b>ss. 2(3), 3(4)</b>
<b>F8</b>	1991 NI 5

## **8 Short title and repeal.**

(1) This Act may be cited as the Census Act (Northern Ireland) 1969.

Subs.(2) repeals 1965 c.5 (NI)

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