



# Census Act (Northern Ireland) 1969

## 1969 CHAPTER 8

### 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>[F1]</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>[F2]</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;

he shall be guilty of an offence and shall for each such offence be liable on summary conviction to a fine not exceeding<sup>[F2]</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>[F2]</sup> level 3 on the standard scale]:

Provided that a person, being required to state his religious profession <sup>[F3]</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>[F4]</sup>(4) If—

- (a) the Registrar General or any person who is—

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*Changes to legislation: There are currently no known outstanding effects for the Census Act (Northern Ireland) 1969, Section 7. (See end of Document for details)*

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- (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.
- (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.]

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**Changes to legislation:** There are currently no known outstanding effects for the  
Census Act (Northern Ireland) 1969, Section 7. (See end of Document for details)

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- F1** SI 1999/663
- F2** 1984 NI 3
- F3** Words in s. 7(3) inserted (8.10.2019) by [Census \(Return Particulars and Removal of Penalties\) Act 2019 \(c. 28\)](#), **ss. 2(3)**, 3(4)
- F4** 1991 NI 5

**Changes to legislation:**

There are currently no known outstanding effects for the Census Act (Northern Ireland) 1969, Section 7.