

DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2020 No.

CENSUS

The Census Order (Northern Ireland) 2020

<i>Made</i>	- - - -	2020
<i>Coming into force</i>	- -	2020

The First Minister and deputy First Minister acting jointly make the following Order in exercise of the powers conferred on them by section 1(1) of the Census Act (Northern Ireland) 1969 **(a)**

Citation and Commencement

1. This Order may be cited as the Census Order (Northern Ireland) 2020 and shall come into operation on the day after the day it is made.

Interpretation

2.—(1) In this Order—

“the Act” means the Census Act (Northern Ireland) 1969;

“census day” means 21st March 2021;

“census night” means the night of 21st March into 22nd March 2021;

“dwelling” includes any part of a dwelling and any caravan, boat, vehicle, temporary building or other structure used as living accommodation;

“household” means one person living alone or a group of people (whether or not related) living at the same address who share cooking facilities and any one or more of the following—

- (a) living room,
- (b) sitting room,
- (c) dining area;

“householder” in relation to an address means a person who is a usual resident at that address and either—

(a) 1969 c.8(N.I.); the relevant amendments are S.I. 1999/663, article 2(1) and Schedule 1, paragraph 15; 2004 c.33 section 261(3) and Schedule 29, paragraph 9.

- (a) owns or rents accommodation at that address, or
- (b) is responsible for paying household bills and expenses there,

or both and “joint householder” is to be interpreted accordingly;

“individual return”, in relation to any person, means a return made with respect to that person only;

“reckonable visitor” has the meaning given in paragraph (2)(b);

“usual resident” has the meaning given in paragraph (2)(a).

(2) For the purposes of this Order—

(a) A person is a usual resident at an address in Northern Ireland if any of the following applies—

- (i) Except where sub-paragraph (iii), (iv), (v) or (vi) applies, the address is the usual address of that person, whether as a member of the household, paying guest, boarder, employee or otherwise;
- (ii) that person spends census night at the address and has no usual address, whether in Northern Ireland, or elsewhere;
- (iii) in the case of Groups B and C, that person has resided or intends to reside in the premises at the address for a period of 6 months or more beginning on or before census day;
- (iv) that person is registered or otherwise enrolled as a full-time pupil or student at an educational institution and the address is a term-time address;
- (v) in the case of Group E, that person is spending a period of 6 months or more in custody, whether at the address or elsewhere;
- (vi) in the case of Group F, if the address is the usual address of that person and, apart from such address, the person has no other usual address in the United Kingdom;

or

(vii) if that person stays overnight on census night at an address in Group A, B, C, D, E or F and has no usual address in the United Kingdom;

(b) a person is a reckonable visitor at an address in Northern Ireland if the person-

- (i) is not a usual resident at that address (within the meaning of sub-paragraph (a)) and stays overnight at that address; or
- (ii) is a visitor from outside the United Kingdom and intends to stay in the United Kingdom for less than 3 months (beginning on the date of arrival in the United Kingdom) and stays overnight on census night at that address;

(c) qualification as a reckonable visitor under sub-paragraph (b)(ii) overrides qualification as a usual resident under sub-paragraph (a).

(3) In this Order, any reference to a Group is a reference to that Group as specified in Schedule 1.

Date of Census

3. A census shall be taken for Northern Ireland on 21st March 2021.

Persons with respect to whom returns to be made

4.—(1) Subject to paragraph (2), for the purpose of that census, returns must be made in accordance with the provisions of this Order with respect to—

- (a) all persons present in Northern Ireland on census night; and
- (b) all usual residents not included in sub-paragraph (a),

who are alive at midnight at the end of census day.

(2) A return need not be made with respect to any usual resident at an address included in Group A if that person is one to whom article 5(2) applies or is a member of a household to which article 5(4) applies.

(3) A return with respect to any person shall be made in accordance with the provisions of this Order relating to the Group in which that person is included, and in the form prescribed by regulations made under section 3 of the Census Act (Northern Ireland) 1969.

Persons who must make returns

5.—(1) Subject to paragraph (2), where a dwelling referred to in column (1) of Group A is occupied by a household consisting of one usual resident, that person must make a return.

(2) A return need not be made under paragraph (1) where the person is away from the dwelling on census day and is outside the United Kingdom and does not return during the period of 12 months beginning on that day.

(3) Subject to paragraph (4), where a dwelling referred to in column (1) of Group A is occupied by a household consisting of more than one person—

- (a) the householder or joint householders; or
- (b) in the absence of any such person capable of making a return, any person authorised to act on their behalf,

must make a return with respect to person specified in column (2) of Group A but, where the obligation falls on more than one person, any one of their number may make the return on their behalf.

(4) A return need not be made under paragraph (3)—

- (a) in respect of any person—
 - (i) whom the person required to make the return under paragraph (3) reasonably believes has elected to make an individual return under paragraph 5(a); or
 - (ii) who has elected to make an individual return under paragraph (5)(b);
- (b) where all members of the household are away from the dwelling on census day and are outside the United Kingdom continuously for at least the period of 12 months beginning on that day.

(5) Any usual resident with respect to whom a return falls to be made in accordance with paragraph (3) who is capable of making a return may elect to make an individual return by either—

- (a) making a request for an individual return themselves; or
- (b) giving consent to a person making a household return under paragraph (3) to request an individual return on their behalf.

(6) Where a person has elected to make an individual return under paragraph (5)(a) or (b) that person must—

- (a) make the individual return; or
- (b) authorise someone else to make the return on that person's behalf.

(7) Where the person who elected to make an individual return is for any reason incapable of making a return, it may be made on their behalf by anyone else capable of doing so.

(8) Every usual resident specified in column (2) of Group B, C, D, E or F must make an individual return, but where any such person is, for any reason, incapable of making a return then, on behalf of that person—

- (a) in a case specified in column (2) of Group B or C, the manager or other person for the time being in charge of the premises must either make the return or arrange for it to be made by a relative or companion of that person; or
- (b) in a case specified in column (2) of Group D, E, or F, the return must be made by the person for the time being in charge of the premises or vessel.

(9) Every person specified in column (2) of Group G must make an individual return but—

- (a) the return may be made on behalf of the person specified by anyone else authorised by that person; and
- (b) where the person specified is incapable for any reason of making a return, it may be made on that person's behalf by anyone else capable of doing so.

(10) Where a dwelling referred to in column (1) of Group A is occupied only by one or more reckonable visitors a return in respect of that dwelling must be made by—

- (a) the person or persons who would be the householders if they were usual residents at the address; or
- (b) if there is no such person capable of making a return, anyone else authorised to act on their behalf,

but where the obligation falls on more than one person, any one of those persons may make the return on behalf of the other persons on whom the obligation falls.

(11) In the case of any premises or vessel specified in Group B, C, D, E or F, the person for the time being in charge of the premises or vessel must make a return stating the particulars specified in Schedule 3.

Particulars in returns

6.—(1) For the purpose of this article any reference to an item is to an item specified in Schedule 2, and—

- “the resident particulars” are those specified in items 1 to 4;
- “the visitor particulars” are those specified in items 5 to 7;
- “the demographic particulars” are those specified in items 8 to 26;
- “the education and employment particulars” are those specified in items 27 to 35;
- “the accommodation particulars” are those specified in items 36 to 42; and
- “the additional particulars for individual returns” are those specified in items 43 and 44.

(2) Subject to the exceptions in paragraph (4), every return made in accordance with article 5(1) or (3) must state—

- (a) the resident particulars
- (b) if any reckonable visitor is staying overnight on census night, the visitor particulars;
- (c) the accommodation particulars; and
- (d) in respect of each usual resident (other than a usual resident who the person required to make the return under article 5(1) or (3) reasonably believes has elected to make an individual return under article 5(5)(a), or a usual resident who has elected to make a return under article 5(5)(b))—
 - (i) the demographic particulars; and
 - (ii) the education and employment particulars;

(3) Subject to the exceptions in paragraph (4), every individual return made in accordance with article 5(5), (6), (7) or (8) must state—

- (a) the demographic particulars
- (b) the education and employment particulars; and
- (c) the additional particulars for individual returns.

(4) The requirements in paragraphs (2) and (3) regarding the statement of particulars are subject to the following exceptions—

- (a) items 9 and 26 to 34 do not need to be stated in relation to any person who is below the age of 16 years on census day;
- (b) item 24 does not need to be stated in relation to any person who is below the age of 5 years on census day;
- (c) item 10 do not need to be stated in relation to any person who is below the age of 4 years on census day;
- (d) items 18 to 20 do not need to be stated in relation to any person who is below the age of 3 years on census day;
- (e) item 13 does not need to be stated in relation to any person who is below the age of 1 year on census day.

(5) Every return made in accordance with article 5(10) must state the visitor particulars and items 36 to 39 within the accommodation particulars.

First Minister

Date xxxx

deputy First Minister

SCHEDULE 1

Articles 2, 4 and 5

Column (1)

Premises, vessel or other place

GROUP A

Any dwelling (not mentioned in Group B to F)

GROUP B

Any hotel or guest house.

GROUP C

Any hotel or guest house.

GROUP D

Any residential school, college or other educational establishment.

GROUP E

Any civil prison or other place of detention.

GROUP F

Any barracks, station or other premises under naval, military or air force discipline, or any vessel under such discipline which is at a port in Northern Ireland at any time on census day.

GROUP G

Any other place not included in the above Groups.

Column (2)

Persons

Every usual resident or reckonable visitor at the dwelling.

Every usual resident or reckonable visitor at the premises.

Every usual resident or reckonable visitor at the premises.

Every usual resident or reckonable visitor at the premises.

Every usual resident or reckonable visitor at the premises.

Every usual resident or reckonable visitor on the vessel or in the premises.

Every person present on census night who has no usual address.

SCHEDULE 2

Article 6

Particulars to be stated in returns

Resident particulars

1. Who usually lives at the address.
2. The total number of usual residents at the address.
3. For each usual resident at the address, their first names(s), last name, connection to the household or accommodation and whether or not the householder (or person authorised to act on the householder's behalf) is aware of any request by that usual resident to make an individual return under article 5(5)(a) or (b).
4. For each usual resident, the relationship to each of the other usual residents named in the return.

Visitor particulars

5. Apart from the usual residents, whether there were any visitors staying overnight on census night and whether they were—
 - (a) people who usually live somewhere else in the United Kingdom;
 - (b) people staying at the accommodation because it is their second address;
 - (c) people who usually live outside the United Kingdom who are staying in the United Kingdom for less than 3 months;
 - (d) people staying at the accommodation on holiday; or
 - (e) no visitors staying overnight at the address on census night.
6. For each reckonable visitor at the address, their first name, last name, date of birth, sex and usual address, or country of usual residence if outside the United Kingdom.
7. The total number of reckonable visitors at the address.

Demographic particulars

8. First name(s), Last name, Date of birth and sex.
9. Current legal status as to marriage or civil partnership.
10. Whether a student (including a schoolchild) in full-time education and, if so, whether living at the address to which the return relates during term-time or at another address.
11. Country of birth.
12. If not born in Northern Ireland, the year of arrival to live in Northern Ireland.
13. Whether on 21st March 2020 –
 - (a) the person was a usual resident—
 - (i) at the address to which the return relates;
 - (ii) at a student term-time address in the United Kingdom (and, if so, that address); or
 - (iii) at another address in the United Kingdom (and, if so, that address); or
 - (b) the person's usual address was outside the United Kingdom (and, if so, in which country).

14. Country of passport(s) held, if any (selecting all that apply).

15. Whether the person describes themselves as (selecting all that apply): British, Irish, Northern Irish, English, Scottish, Welsh, or any other national identity (stating which).

16. Whether the person's ethnic group is–

- (a) White;
- (b) Chinese;
- (c) Irish Traveller;
- (d) Roma;
- (e) Indian;
- (f) Filipino;
- (g) Black African;
- (h) Black Other;
- (i) Of mixed ethnic group and, if so, stating which groups; or
- (j) Any other ethnic group and, if so, stating which group.

17. Religion, religious denomination or body belonged to, or if none (selecting all that apply).

For those indicating none to the above;

Religion, religious denomination or body brought up in, or if none (selecting all that apply).

18. Whether the person's main language is English or another language (stating which).

19. If the person's main language is one other than English, whether the person can speak English very well, well, not well or not at all.

20. Whether the person is able to (selecting all that apply):–

- (a) understand Irish;
- (b) understand Ulster-Scots;
- (c) speak Irish;
- (d) speak Ulster-Scots;
- (e) read Irish;
- (f) read Ulster-Scots;
- (g) write Irish;
- (h) write Ulster-Scots;
- (i) no ability in Irish; or
- (j) no ability in Ulster-Scots; and

If able to speak Irish or Ulster-Scots, how often they speak it.

21. Whether the person's health is in general very good, good, fair, bad or very bad.

22. Whether or not the person has any health problem or disability which has lasted, or is expected to last, at least 12 months and, if so, whether it limits their day-to-day activities a little or a lot.

23. Whether or not the person has any conditions that have lasted, or are expected to last, at least 12 months and the nature of that condition(s) (selecting all that apply).

24. Whether or not the person looks after, or gives help or support to, anyone because of long-term physical or mental health conditions or illnesses or because of problems related to old age

and, if so, the number of hours a week spent on this, excluding anything done as part of any paid employment.

25. Whether the person is aged 16 years or over.

26. Whether the person best describes their sexual orientation as: straight/heterosexual, gay or lesbian, bisexual, other sexual orientation (stating which), or prefers not to say.

Education and Employment particulars

27. Whether the person has achieved a qualification at degree level or above.

28. Whether the person has achieved any other qualifications (selecting all that apply)—

- (a) GCSEs or equivalent;
- (b) AS, A level or equivalent;
- (c) NVQ or equivalent;
- (d) Any other or no qualifications.

29. Whether the person has completed an apprenticeship.

30. Whether the person in the preceding seven days was (selecting all that apply)—

- (a) working as an employee;
- (b) self-employed or working freelance;
- (c) temporarily away from work ill, on holiday or temporarily laid off;
- (d) on maternity or paternity leave;
- (e) doing any other kind of paid work; or
- (f) none of the above.

31. If not working in the preceding seven days, whether the person was (selecting all that apply)—

- (a) retired (whether receiving a pension or not);
- (b) studying;
- (c) looking after home or family;
- (d) long-term sick or disabled; or
- (e) other.

32. If not working in the preceding seven days, whether or not the person was—

- (a) actively looking for any kind of paid work during the preceding four weeks;
- (b) available to start work within two weeks; and
- (c) waiting to start work, having already accepted a job.

33. If not working in the preceding seven days, whether the person has—

- (a) done any paid work in the last 12 months;
- (b) done any paid work, but not in the last 12 months; or
- (c) never worked.

34. For the main job done in the preceding seven days or, if not working then, for their last main job:—

- (a) whether working as an employee, or self-employed or freelance without employees, or self-employed with employees;
- (b) either the name of the organisation or business they worked for (including own organisation if self-employed) or whether there was no such organisation, or whether worked for a private individual;

- (c) the full title of their main job;
- (d) what was done in their main job;
- (e) the main activity of their organisation, business or freelance work;
- (f) whether or not supervising any other employees on a day-to-day basis; and
- (g) the number of hours a week usually worked in their main job.

35. In respect of any person who was working or studying (including at school) in the preceding seven days:—

- (a) the workplace or school address for the main job or place of study, or whether working or studying mainly at or from home, or whether there is no fixed place of work or study; and
- (b) the mode of transport used for the longest part, by distance, of the usual journey to main place of work or study.

Accommodation particulars

36. Whether the living accommodation occupied by the household to which the return relates is—

- (a) a whole house or bungalow (and whether detached, semi-detached or terraced (including end-terrace)); or
- (b) a flat, maisonette or apartment (and whether in a purpose-built block of flats, part of a converted or shared house (including bedsits) or in a commercial building; or
- (c) a caravan or any other mobile or temporary structure.

37. Whether or not the accommodation has been designed or adapted for internal wheelchair usage, external wheelchair access, other physical or mobility difficulties, visual difficulties, hearing difficulties or other use (selecting all that apply).

38. Whether or not the accommodation has central heating and, if so, whether the type of heating is oil, mains gas, tank or bottled gas, electric, wood, solid fuel, a renewable heating system or of some other type (selecting all that apply).

39. Whether or not the accommodation has renewable energy systems and, if so, whether the type of system is solar panels for electricity, solar panels for heating water, wind turbine or some other type (selecting all that apply).

40. Whether the household to which the return relates—

- (a) owns the accommodation outright;
- (b) owns the accommodation with a mortgage or loan;
- (c) part owns the accommodation and part pays rent;
- (d) rents the accommodation; or
- (e) lives in the accommodation rent-free.

41. Where the household to which the return relates rents or part rents the accommodation or lives in the accommodation rent free, whether the landlord is—

- (a) the Northern Ireland Housing Executive;
- (b) a housing association or charitable trust;
- (c) a private landlord;
- (d) a letting agent (through private renting);
- (e) an employer of a household member;
- (f) a relative or friend of household member; or
- (g) other.

42. The number of cars and vans owned, or available for use, by members of the household to which the return relates.

Additional particulars for individual returns

43. Whether the accommodation is a communal establishment, or a private or family home.

44. If the accommodation is a communal establishment whether or not the respondent is answering the questions on behalf of someone else and whether the person with whom the return is concerned is—

- (a) a resident in the establishment;
- (b) a member of staff or the owner of the establishment;
- (c) a family member or partner of a member of staff or the owner of the establishment; or
- (d) staying there temporarily (no usual address in the United Kingdom).

SCHEDULE 3

Article 5(11)

Particulars to be stated in returns relating to Communal Establishments

1. The nature of the establishment.
2. The age group catered for by the establishment.
3. The groups catered for by the establishment.
4. The person or organisation responsible for the management of the establishment.
5. The number of residents usually living in the establishment.
6. The first name(s), last name, date of birth and sex of all residents usually living in the establishment.
7. The number of reckonable visitors staying overnight in the establishment on census night.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the taking of a census for Northern Ireland on 21st March 2021. The Order specifies the persons by whom and with respect to whom the census returns are to be made and sets out the particulars to be stated in the returns. An impact assessment has not been produced for this Order as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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