
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

The Census (Scotland) Order 2020

Interpretation

2.—(1) In this Order—

“the Act” means the Census Act 1920,

“census day” means 21 March 2021,

“census night” means the night of 21 to 22 March 2021,

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

“household” is to be construed in accordance with paragraph (4),

“householder” means—

(a) in relation to a dwelling in Group I, a person who is usually resident at that dwelling and either—

(i) owns or rents accommodation at that dwelling, or

(ii) is responsible for paying household bills and expenses there,

or both and includes a joint householder and an acting householder,

(b) in relation to a dwelling in Group VIII, a person who is usually resident in Scotland and who owns accommodation at that dwelling,

“residential dwelling” means a dwelling for which there is an address but which is not—

(a) a hotel or guest house,

(b) a hospital, nursing home, religious or charitable community or other residential establishment whatsoever,

(c) a residential school, college or other educational establishment,

(d) premises or other place in Group V or Group VI,

“usually resident” is to be construed in accordance with paragraphs (6) to (11), and

“visitor” means any person who is staying at an address in Scotland on census night, but who is not usually resident at that address.

(2) For the purposes of this Order, a person is in full-time education if that person is registered, admitted or otherwise enrolled as a full-time pupil or student at a school, college or other educational institution.

(3) In this Order—

(a) any reference to a numbered Group is a reference to the Group so numbered in schedule 1,

(b) any reference to a dwelling, premises or a place in a numbered Group is a reference to a dwelling, premises or a place specified in column (1) of that Group,

(c) any reference to a person in a numbered Group is a reference to a person specified in column (2) of that Group.

(4) For the purposes of this Order—

- (a) in the case of a sheltered or retirement housing development (within the meaning of section 54(3) of the Title Conditions (Scotland) Act 2003(1)), a household is a person or a group of persons (whether related or not) living in one flat or unit within the development and having a usual address there,
 - (b) in the case of a dwelling which is mobile or of temporary construction, the household is the person or relevant group living in that dwelling at the place which is that person's, or that group's, usual place of residence,
 - (c) in the case of any other dwelling the household is the person or relevant group living in that dwelling and having a usual address at that dwelling.
- (5) In paragraph (4), "relevant group" means a group of persons (whether or not related) who share cooking facilities and any one or more of the following—
- (a) a living room,
 - (b) a sitting room,
 - (c) a dining area.
- (6) For the purposes of this Order a person is usually resident in Scotland if on census night any one or more of the following apply—
- (a) the person—
 - (i) has a permanent or family home in Scotland, and
 - (ii) is not staying, nor intends to stay, outside the United Kingdom for a total of 12 months or more in the period beginning with 22 March 2020 and ending with 20 March 2022,
 - (b) the person—
 - (i) is staying in Scotland, and
 - (ii) is staying, or intends to stay, in the United Kingdom for a total of 6 months or more in any consecutive 12 month period within the period beginning with 22 March 2020 and ending with 20 March 2022,
 - (c) the person—
 - (i) has a permanent or family home in Scotland,
 - (ii) is in full-time education, and
 - (iii) has a term-time address outside Scotland,
 - (d) the person is a member of the armed forces and has (either or both)—
 - (i) a permanent or family home in Scotland,
 - (ii) a base address, home port address or naval base address in Scotland.
- (7) Subject to paragraphs (8) to (11), for the purposes of this Order, a person who is usually resident in Scotland is also usually resident at a dwelling, premises or other place—
- (a) in Group I—
 - (i) if the dwelling is that person's only permanent or family home,
 - (ii) if the dwelling is where the person spends or intends to spend the most number of daily rest periods, or
 - (iii) if, on census night, the person is staying at the dwelling, does not have a permanent or family home and is not usually resident at any other dwelling, premises or place in Group I, II, III, IV or VI,

- (b) in Group II, III or IV—
 - (i) if the person is staying, or intends to stay, at the premises for a period of 6 months or more, or
 - (ii) if, on census night, the person is staying at the premises or other place, does not have a permanent or family home and is not usually resident at any dwelling in Group I or any other premises or place in Group II, III, IV or VI,
 - (c) in Group V—
 - (i) if the person is in custody at the premises on census night and is spending a period of 6 months or more in custody, whether at the premises or elsewhere,
 - (ii) if, on census night, the person is in custody at the premises, does not have a permanent or family home and is not usually resident at any dwelling, premises or other place in Group I, II, III, IV or VI,
 - (d) in Group VI if the person has a base address, home port address, or naval base address at the premises and does not have a permanent or family home.
- (8) Where a person is usually resident at premises or another place by virtue of paragraph (7)(b), (c) or (d) that person is not usually resident at any dwelling in Group I.
- (9) Except as provided for in paragraph (8) any period of stay or custody in any premises or other place in Group II to VI is to be disregarded in determining whether a person is usually resident at a dwelling in Group I.
- (10) A person in full-time education who usually spends four or more nights per week during term-time at an address other than that person's permanent or family home is usually resident—
- (a) at the person's permanent or family home (if the person has one), and
 - (b) at that other address.
- (11) A person under the age of 16 years who spends an equal number of daily rest periods at two or more dwellings in Group I is, for the purposes of paragraph (7)(a)(ii), to be taken as spending the most number of such periods at the dwelling where the person is staying on census night.