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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

**The Census (Scotland) Order 2020**

**Persons by whom the returns are to be made**

5.—(1) Where a dwelling is occupied by a household consisting of one person in Group I, that person must make a return with respect to that person and every visitor at that dwelling.

(2) Where a dwelling is occupied by a household consisting of more than one person in Group I a return must be made with respect to every person in Group I and every visitor at that dwelling.

(3) Subject to paragraph (12), a return under paragraph (2) is to be made by—

- (a) the householder, or
- (b) if there is no householder or the householder is unable to make the return, the members of that household aged 16 years or over on census day.

(4) Any person with respect to whom a return falls to be made in accordance with paragraph (2) may elect to make an individual return with respect to that person if the person is—

- (a) aged 16 years or over on census day,
- (b) capable of completing the form of return, and
- (c) not a visitor.

(5) A person (“A”) who has, in accordance with paragraph (4), elected to make an individual return—

- (a) may, but need not, notify the person making the return under paragraph (2) that A has so elected, and
- (b) must make the individual return.

(6) In the case of any premises in Group II, III, IV or V, the manager, chief resident officer, director or governor, or other person for the time being in charge of the premises and in the case of any premises in Group VI the commanding officer or other person for the time being in charge of the premises, must make a return.

(7) Every person in Groups II, III, IV, V, VI and, subject to paragraph (8), Group VII must make an individual return, but where any such person is not aged 16 years or over or is, for any other reason, incapable of making a return and that person is—

- (a) a person in Group II, then the manager or other person for the time being in charge of the hotel or guest house must make a return with respect to that person or arrange for it to be made by a relative or other person accompanying that person,
- (b) a person in Group III or IV, then the chief resident officer or other person for the time being in charge of the premises must make the return with respect to that person or arrange for it to be made by a relative or companion of that person,
- (c) a person in Group V, then the director or governor or other person for the time being in charge of the premises must make a return with respect to that person or arrange for it to be made by a member of staff of the owner of the establishment,
- (d) a person in Group VI, then the return must be made with respect to that person by the commanding officer or other person for the time being in charge of the premises,

- (e) a person in Group VII, then the return may be made with respect to that person by any other person capable of doing so on his or her behalf.
- (8) As regards a person in Group VII who is capable of making a return, the return referred to in paragraph (7) may be made by any other person authorised by that person to do so on that person's behalf.
- (9) Subject to paragraphs (10) to (12), in the case of a dwelling in Group VIII, the householder must make a return with respect to the person in Group VIII and every visitor at that dwelling.
- (10) A return need not be made under paragraph (9) if, in relation to the dwelling to which the return relates, either or both of the following apply—
  - (a) for a period of 6 months or more ending with census day, no person has stayed or lived at the dwelling,
  - (b) the householder expects that, for a period of 6 months or more including census day, no person will stay or live (or will have stayed or lived) at the dwelling.
- (11) The return referred to in paragraph (9) may be made by any person authorised by the householder to make the return or by any visitor staying at the dwelling on census night.
- (12) The obligation to make a return under paragraph (2) or (9) is satisfied if, as the case may be, any householder or member of the household mentioned in paragraph (3)(b) makes such a return.