

*Draft Order in Council laid before Parliament under section 1(2) of the Census Act 1920, for
approval by resolution of each House of Parliament of provisions prescribing particulars with
respect to the matters mentioned in paragraph 6 of the Schedule to that Act.*

DRAFT STATUTORY INSTRUMENTS

2020 No.

CENSUS, ENGLAND AND WALES

The Census (England and Wales) Order 2020

Made - - - - *****

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the ***** day of *****

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by section 1(1) of the Census Act 1920⁽¹⁾ ("the 1920 Act").

In accordance with article 4 of the National Assembly for Wales (Transfer of Functions) (No. 2) Order 2006⁽²⁾ the Minister for the Cabinet Office has consulted the Welsh Ministers before recommending the making of this Order to Her Majesty.

Pursuant to section 1(2) of the 1920 Act, each House of Parliament has by resolution approved those provisions of the Order which prescribe particulars with respect to the matters mentioned in paragraph 6 of the Schedule to that Act (any other matters with respect to which it is desirable to obtain statistical information with a view to ascertaining the social or civil condition of the population).

Also pursuant to section 1(2) of the 1920 Act and section 6(2) of the Statutory Instruments Act 1946⁽³⁾, a draft of the Order was laid before each House of Parliament for a period of 40 days and neither House has resolved that the draft be not submitted to Her Majesty.

Accordingly Her Majesty, by and with the advice of Her Privy Council, makes the following Order:

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- (1) 1920 c. 41. The Schedule was amended by paragraph 4 of Schedule 27 to the Civil Partnership Act 2004 (c. 33), section 1(1) of the Census (Amendment) Act 2000 (c. 24) (which inserted paragraph 5A) and section 1 of the Census (Return Particulars and Removal of Penalties) Act 2019 (c. 28) (which inserted paragraphs 5B and 5C).
- (2) S. I. 2006/3334. The functions of the National Assembly for Wales under article 4 are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (3) 1946 c. 36; section 6(2) was modified by article 3(3) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096).

Citation and commencement

1. This Order may be cited as the Census (England and Wales) Order 2020 and it shall come into force on the day after the day on which it is made.

Interpretation

2.—(1) In this Order—

“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 related or not) 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) 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 (3)(b);

“usual resident” has the meaning given in paragraph (3)(a).

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

(3) For the purposes of this Order—

(a) a person is a usual resident at an address in England or Wales of any dwelling, premises or vessel as specified in Groups A to F, in the following circumstances—

- (i) in relation to an address in Group A, if the address is the usual address of that person, whether as a member of the household, paying guest, boarder, employee or otherwise (and ignoring any residence at any address in Group F, or any residence at a second address outside the United Kingdom provided that the person intends to remain outside the United Kingdom for less than 12 months);
- (ii) in relation to an address in Group B or C, if that person has resided or intends to reside at the address for a period of 6 months or more beginning on or before census day;
- (iii) in relation to an address in Group D, if that person is registered or otherwise enrolled as a full-time pupil or student at a residential or other educational establishment and living in accommodation provided solely for such pupils or students by or on behalf of the educational establishment and the address is a term-time address;
- (iv) in relation to an address in Group E, if that person—
 - (aa) is in custody beginning on or before census day, whether at the address or elsewhere, and awaiting sentence, transfer, removal or deportation; or
 - (bb) has been sentenced to a period of 12 months or more in custody, beginning on or before census day, whether at the address or elsewhere;

- (v) in relation to an address in Group F, if the address is the usual address of that person and, apart from such address, the person would have no other usual address in the United Kingdom; or
- (vi) 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 England or Wales if the person—
 - (i) is not a usual resident at that address (within the meaning of sub-paragraph (a)) and stays overnight on census night 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);
- (c) qualification as a reckonable visitor under sub-paragraph (b)(ii) overrides qualification as a usual resident under sub-paragraph (a).

Date of census

3. A census is to be taken for England and Wales on 21st March 2021.

Persons with respect to whom returns to be made

4.—(1) 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 England and Wales 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) But a return need not be made with respect to any usual resident at an address included in Group A if that person is—

- (a) a person to whom article 5(2) applies; or
- (b) a member of a household to which article 5(4) applies.

(3) A return with respect to any person must 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 1920(4).

Persons who must make returns

5.—(1) 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) But the person referred to in paragraph (1) need not make a return where the person is away from the dwelling on census day and—

- (a) is outside the United Kingdom continuously for at least the period of 12 months beginning on census day; or
- (b) in any other case, does not return to the dwelling during the period of 6 months beginning on census day (but that period of 6 months must not have been spent continuously outside the United Kingdom).

(3) Where a dwelling referred to in column (1) of Group A is occupied by a household consisting of more than one person—

(4) Section 3 was amended by paragraph 3 of Schedule 1 to the Statistics and Registration Act 2007 (c. 18).

- (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 behalf of the householder or joint householders,
- must make a return with respect to each person specified in column (2) of Group A, 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.
- (4) But 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 each member of the household is away from the dwelling on census day and—
 - (i) is outside the United Kingdom continuously for at least the period of 12 months beginning on census day; or
 - (ii) in any other case, does not return to the dwelling during the period of 6 months beginning on census day (but that period of 6 months must not have been spent continuously outside the United Kingdom).
 - (5) Any usual resident with respect to whom a return falls to be made in accordance with paragraph (3) and who is capable of making a return may elect to make an individual return by either—
 - (a) making a request for an individual return; or
 - (b) giving consent to a person making a return under paragraph (3) to request an individual return on behalf of that usual resident.
 - (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 a person has elected to make an individual return under paragraph (5)(a) or (b) but for any reason is incapable of making a return, then the return may be made on that person's behalf by any other person 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.
 - (9) Where a person for any reason is incapable of making a return in accordance with paragraph (8) 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—
 - (i) make the return, or
 - (ii) arrange for the return to be made by a relative or companion of that person;
 - (b) in a case specified in column (2) of Group D, E or F, the person for the time being in charge of the premises or vessel must make the return.
 - (10) Every person specified in column (2) of Group G ("a specified person") must make an individual return but—
 - (a) a specified person may authorise someone else to make the individual return on that specified person's behalf; and

- (b) where a specified person for any reason is incapable of making a return, then the return may be made on that specified person's behalf by any other person capable of doing so.
- (11) 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 that person or those persons 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 behalf of that person or those persons,

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.

(12) 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 purposes 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 36;
- “the accommodation particulars” are those specified in items 37 to 43;
- “the additional particulars for Wales” are those specified in item 44; and
- “the additional particulars for individual returns” are those specified in items 45 and 46.

(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 present on census night, the visitor particulars;
- (c) the accommodation particulars; and
- (d) in respect of each usual resident (other than a usual resident whom 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 an individual return under article 5(5)(b))—
 - (i) the demographic particulars;
 - (ii) the education and employment particulars;
 - (iii) if the person is a usual resident at an address in Wales, the additional particulars for Wales.

(3) Subject to the exceptions in paragraph (4), every individual return made in accordance with article 5(5), (8), (9) or (10) must state—

- (a) the demographic particulars;
- (b) the education and employment particulars;
- (c) if the person is a usual resident at an address in Wales, the additional particulars for Wales; and
- (d) 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 25 to 36 do not need to be stated in relation to any person who is below the age of 16 years on census day;
- (b) item 9 does not need to be stated in relation to any person who is below the age of 15 years on census day;
- (c) items 11 and 24 do not need to be stated in relation to any person who is below the age of 5 years on census day;
- (d) items 14 and 15 do not need to be stated in relation to any person who is below the age of 3 years on census day;
- (e) item 19 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(11) must state the visitor particulars and items 37 to 40 of the accommodation particulars.

Name
Clerk of the Privy Council

SCHEDULE 1

Article 2(2)

<i>Column (1) (Premises, vessels or other place)</i>	<i>Column (2) (Persons)</i>
GROUP A	
Any dwelling not mentioned in Groups B to F.	Every usual resident or reckonable visitor at the dwelling.
GROUP B	
Any hotel or guest house.	Every usual resident or reckonable visitor at the premises.
GROUP C	
Any hospital, nursing home, care home, hospice, religious or charitable community or other residential establishment not mentioned elsewhere in this Schedule.	Every usual resident or reckonable visitor at the premises.
GROUP D	
Any residential school, college or other educational establishment.	Every usual resident or reckonable visitor at the premises.
GROUP E	
Any civil prison, youth offender institution, special or secure hospital, immigration removal centre or other place of civil detention.	Every usual resident or reckonable visitor at the premises.
GROUP F	
Any barracks, station or other premises under naval, military or air force discipline or any vessel under such discipline which is at port in England or Wales at any time on census day.	Every usual resident or reckonable visitor at the premises or on the vessel.
GROUP G	
Any other place not included in the above Groups.	Every person present on census night who has no usual address.

SCHEDULE 2

Articles 6(1) to (5)

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—
 - (a) their first name, middle names, last name; and
 - (b) whether the householder (or person authorised to act on the householder's behalf) reasonably believes that a usual resident has elected 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. Whether—

(a) *apart from usual residents, there were any visitors staying overnight at the address on census night and whether they were—*

(i) *people who usually live somewhere else in the United Kingdom;*

(ii) *people staying at the accommodation because it is their second address;*

(iii) *people who usually live outside the United Kingdom who are staying in the United Kingdom for less than 3 months;*

(iv) *people staying at the accommodation on holiday; or*

(b) *there were no visitors staying overnight at the address on census night.*

6. *The total number of visitors staying overnight at the address on census night.*

7. For each reckonable visitor at the address, the first name, last name, date of birth, sex and usual United Kingdom address or country of usual residence if outside the United Kingdom.

Demographic particulars

8. Date of birth and sex.

9. Current legal status as to marriage or civil partnership and whether the marriage or civil partnership is or was to a person of the same or opposite sex.

10. *Whether or not the person stays at another address for more than 30 days a year, and if so, either the address (if within the United Kingdom), or the country (if outside the United Kingdom), and in either case the type of address.*

11. *Whether the person is 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 an address that the person stays at for more than 30 days a year, or at another address.*

12. Country of birth.

13. *If not born in the UK, the month and year of most recent arrival in the United Kingdom, and if that arrival was on or after 21st March 2020, the length of intended stay in the United Kingdom.*

14. Whether the person's main language is English (or for returns in Wales, Welsh or English) or another language (stating which).

15. If the person's main language is one other than English (or for returns in Wales, Welsh or English), whether the person can speak English very well, well, not well or not at all.

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

17. Whether the person's ethnic group is—

(a) White and whether English/Welsh/Scottish/Northern Irish/British, Irish, Gypsy or Irish Traveller, Roma, or any other White background (stating which);

(b) Mixed/multiple ethnic group and whether White and Black Caribbean, White and Black African, White and Asian, or any other Mixed/Multiple background (stating which);

(c) Asian/Asian British and whether Indian, Pakistani, Bangladeshi, Chinese, or any other Asian background (stating which);

(d) Black/African/Caribbean/Black British and whether Caribbean, African background (stating which), or any other Black/Black British/Caribbean background (stating which);

or

- (e) Other ethnic group and whether Arab or any other ethnic group (stating which).
- 18. Whether the person describes themselves as: of no religion, Christian, Buddhist, Hindu, Jewish, Muslim, Sikh, or of any other religion (stating which).
- 19. *Whether one year ago—*
 - (a) *the person was a usual resident—*
 - (i) *at the address to which the return relates;*
 - (ii) *at a student term-time address (and if so, that address); or*
 - (iii) *at another address in the UK (and if so, that address); or*
 - (b) *the person's usual address was outside the UK (and if so, in which country).*
- 20. Country of passports held.
- 21. *Whether the person's health is in general very good, good, fair, bad or very bad.*
- 22. *Whether or not the person suffers from any physical or mental health conditions or illnesses lasting or expecting to last at least 12 months or more.*
- 23. *Whether the person's physical or mental health conditions or illnesses reduce their ability to carry out day-to-day activities a lot, a little or not at all.*
- 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 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 best describes themselves as: straight/heterosexual, gay or lesbian, bisexual, other sexual orientation (stating which).
- 26. Whether the person describes their gender as being the same as the person's sex registered at birth (and if not stating the gender identity that they ascribe to themselves).

Education and Employment particulars

- 27. *Whether the person has completed an apprenticeship.*
- 28. *Whether the person has achieved a qualification at degree level or above.*
- 29. *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; or*
 - (d) *any other or no qualifications.*
- 30. Whether the person has previously served in the UK armed forces, and if so whether they served in the Regular or Reserve armed forces.
- 31. Whether the person in the last 7 days was, selecting all that apply—
 - (a) working as an employee;
 - (b) self-employed or freelance;
 - (c) doing any other kind of paid work;
 - (d) temporarily away from work ill, on holiday or temporarily laid off;
 - (e) on maternity or paternity leave; or
 - (f) none of the above.

32. *If not working in the last 7 days as an employee, self-employed or freelance, temporarily away from work ill, on holiday or temporarily laid off, on maternity or paternity leave, or doing any other kind of paid work, whether the person in the last 7 days was, selecting all that apply—*

- (a) *retired;*
- (b) *studying;*
- (c) *looking after the home or family;*
- (d) *long term sick or disabled; or*
- (e) *other.*

33. *If not working in the last 7 days as an employee, self-employed or freelance, temporarily away from work ill, on holiday or temporarily laid off, on maternity or paternity leave, or doing any other kind of paid work, whether or not the person was—*

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

34. *If not working in the last 7 days as an employee, self-employed or freelance, temporarily away from work ill, on holiday or temporarily laid off, on maternity or paternity leave, or doing any other kind of paid work, whether the person has ever done any paid work in the last 12 months, more than 12 months ago or has never worked.*

35. For the main job done in the last 7 days, or if not working then, for the last main job—

- (a) whether working as an employee, or self-employed with employees or self-employed/freelance without employees;
- (b) either the name of the organisation 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 the main job;
- (d) what was done in the main job;
- (e) the main activity of your organisation, business or freelance work; and
- (f) whether or not supervising any other employees.

36. In respect of any person who was working or temporarily away from work in the last 7 days—

- (a) the number of hours a week usually worked in the main job;
- (b) whether mainly working at a workplace or reporting to a depot, at or from home, at an offshore installation or at no fixed place;
- (c) the address for the workplace or depot;
- (d) *the mode of transport used for the longest part, by distance, of the usual journey to work.*

Accommodation particulars

37. 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));
- (b) a flat, maisonette or apartment (and whether in a purpose-built block of flats or tenement, part of a converted or shared house (including bed-sits), part of any other converted building, or in a commercial building); or
- (c) a caravan or any other mobile or temporary structure.

38. Whether or not all the rooms in the accommodation, including the kitchen, bathroom and toilet, are behind a door which only that household can use.

39. The number of bedrooms available for use by the household.

40. Whether or not the accommodation has central heating and if so, whether the type of heating is (selecting all that apply): mains gas, tank or bottled gas, electric, oil, wood, solid fuel, renewable energy, district or communal heat networks, or other type.

41. *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 and part pays rent;*
- (d) rents the accommodation; or*
- (e) lives in the accommodation rent free.*

42. *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) a housing association, housing co-operative, charitable trust or registered social landlord;*
- (b) a council or local authority;*
- (c) a private landlord or letting agency;*
- (d) an employer of a household member;*
- (e) a relative or friend of a household member; or*
- (f) other.*

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

Additional particulars for Wales

44. In respect of any person, whether able to, selecting all that apply—

- (a) understand spoken Welsh;*
- (b) speak Welsh;*
- (c) read Welsh;*
- (d) write Welsh; or*
- (e) do none of the above.*

Additional particulars for individual returns

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

46. *If the accommodation is a communal establishment 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 of the owner of the establishment; or*
- (d) staying temporarily (no usual address in the UK).*

SCHEDULE 3

Article 5(12)

Particulars to be stated in returns relating to communal establishments

1. *Number of residents usually living in the establishment and the nature of their residency.*
2. *Number of reckonable visitors staying overnight on census night and their status as a visitor.*
3. *The nature of the establishment.*
4. *The person or organisation responsible for the management of the establishment.*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the taking of a census for England and Wales 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.

Article 2 defines various terms used in the Order, including “usual resident” and “reckonable visitor”. A person is a “usual resident” of an address in Groups A to F in Schedule 1 if they meet the criteria for that Group set out in paragraph (2) of that Article. A person is a “reckonable visitor” at an address if they stay overnight at that address on census night but do not qualify as a “usual resident” at that address, or if they are a visitor from outside the United Kingdom and intend to stay for less than 3 months.

Article 4 provides that a return must be made in respect of all usual residents who are alive at midnight at the end of census day, plus any other persons who are present in England and Wales on census night. Usual residents of a home address need not make a return if they are away from home for 6 months continuously from census day, or away from home for 12 months continuously if they are abroad.

Article 5 sets out who must make a return. These are persons who live by themselves, householders (as defined), any member of a household who has requested an individual return, every usual resident of addresses in Groups B to F in Schedule 1, every person specified in relation to Group G of Schedule 1 to the Order, and, where a home is occupied exclusively by visitors, the persons who would normally be the usual residents of the home. Article 5 also makes provision for others to be authorised to make returns on behalf of someone else, including in cases of incapacity. Article 5 also provides that the person in charge of a premises or vessel specified in Groups B to F in Schedule 1 must make a return giving the particulars set out in Schedule 3.

Article 6 sets out the specific particulars that must be provided by each person making a return. It also specifies the particulars that are not required to be stated in relation to persons below certain years of age on census day.

The particulars to be stated in returns are listed in Schedule 2. The particulars in italics in that schedule are particulars that relate to the matters specified in paragraph 6 of the Schedule to the Census Act 1920 (c.41).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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Draft Legislation: *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Census (England and Wales) Order 2020 No. 532*