



Census Act 1920

1920 CHAPTER 41 10 and 11 Geo 5

8 Penalties.

(1) If any person—

- (a) refuses or neglects to comply with or acts in contravention of any of the provisions of this Act or any Order in Council or regulations made under this Act; or
- (b) being a person required under this Act to make a statutory declaration with respect to the performance of his duties, makes a false declaration; or
- (c) being a person required by any Order in Council or regulations made under this Act to make, sign, or deliver any document, makes, signs, or delivers, or causes to be made, signed, or delivered a false document; or
- (d) being a person required in pursuance of any such Order in Council or regulations to answer any question, refuses to answer or gives a false answer to that question;

he shall for each offence be liable on summary conviction to a fine not exceeding [^{F1}level 3 on the standard scale].

[^{F2}(1A) But no person shall be liable to a penalty under subsection (1) for refusing or neglecting to state any particulars in respect of religion [^{F3}, sexual orientation or gender identity].]

[^{F4}(1A) But no person shall be liable to a penalty under subsection (1) for refusing or neglecting to state—

- (a) any particulars in respect of—
 - (i) religion, or
 - (ii) sexual orientation, or
- (b) such particulars, with respect to transgender status and history, as are prescribed for the purposes of this subsection in an Order in Council under section 1 or 6 of this Act.]

[^{F5}(2) If the [^{F6}Registrar General for Scotland] or any person who is—

- (a) under [^{F7}his control]; or
- (b) a supplier of any services to [^{F8}him],

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discloses any personal census information to another person, without lawful authority, he shall be guilty of an offence.

- (3) If any person discloses to another person any personal census information which he knows has been disclosed in contravention of this Act, he shall be guilty of an offence.
- (4) It shall be a defence for a person charged with an offence under subsection (2) or (3) 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.
- (5) A person guilty of an offence under subsection (2) or (3) 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.
- (6) For the purposes of this section—
- (a) references to [^{F9}the Registrar General for Scotland] include, where he is also the holder of a designated office, references to him in his capacity as the holder of that office;
 - (b) a person is to be treated as under the control of [^{F10}the Registrar General for Scotland] if he is, or has been—
 - (i) employed by that Registrar (whether or not on a full-time basis); or
 - (ii) otherwise employed, or acting, (whether or not on a full-time basis) as part of that Registrar's staff for purposes of this Act;
 - (c) a person is to be treated as a supplier of services to [^{F11}the Registrar General for Scotland] if he—
 - (i) supplies, or has supplied, any services to that Registrar in connection with the discharge by that Registrar of any of his functions; or
 - (ii) is, or has been, employed by such a supplier.
- (7) In this section—
- “census information” means any information which is—
- (i) acquired by any person mentioned in subsection (2) above in the course of any work done by him in connection with the discharge of functions under section 2 or 4 of this Act;
 - (ii) acquired by any such person in the course of working, for purposes of section 5 of this Act, with any information acquired as mentioned in subparagraph (i) above; or
 - (iii) derived from any information so acquired;
- “designated office”, in relation to [^{F12} the Registrar General for Scotland], means any office for the time being designated by him in writing for the purposes of this section; and
- “personal census information” means any census information which relates to an identifiable person or household [^{F13}but does not include information which, by virtue of section 58(2)(b) of the Freedom of Information (Scotland)

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Act 2002 (asp 13) (falling away of exemptions with time), is not exempt information within the meaning of that Act].]

Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#), **ss. 38**, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), **ss. 289F**, 289G
- F2** S. 8(1A) inserted after subsection (1) (E.W.) (28.7.2000) by 2000 c. 24, **s. 1(2)**
- F3** Words in s. 8(1A) inserted (E.W.) (8.10.2019) by [Census \(Return Particulars and Removal of Penalties\) Act 2019 \(c. 28\)](#), **ss. 1(3)**, 3(4)
- F4** S. 8(1A) substituted (S.) (18.9.2019) by [Census \(Amendment\) \(Scotland\) Act 2019 \(asp 12\)](#), **ss. 1(3)**, 2(2)
- F5** S. 8(2)-(7) substituted for s. 8(2) by [Census \(Confidentiality\) Act 1991 \(c. 6, SIF 105\)](#), **s. 1**
- F6** Words in s. 8(2) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), **Sch. 2 para. 1(2)(a)**; S.I. 2008/839, art. 2
- F7** Words in s. 8(2)(a) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), **Sch. 2 para. 1(2)(b)**; S.I. 2008/839, art. 2
- F8** Word in s. 8(2)(b) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), **Sch. 2 para. 1(2)(c)**; S.I. 2008/839, art. 2
- F9** Words in s. 8(6)(a) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), **Sch. 2 para. 1(3)(a)**; S.I. 2008/839, art. 2
- F10** Words in s. 8(6)(b) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), **Sch. 2 para. 1(3)(b)**; S.I. 2008/839, art. 2
- F11** Words in s. 8(6)(c) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), **Sch. 2 para. 1(3)(c)**; S.I. 2008/839, art. 2
- F12** Words in s. 8(7) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), **Sch. 2 para. 1(4)**; S.I. 2008/839, art. 2
- F13** Words in s. 8(7) added (S.) (1.1.2005) by [Freedom of Information \(Scotland\) Act 2002 \(asp 13\)](#), **ss. 38(6)**, 75(1); S.S.I. 2004/203, art. 3(2)

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