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STATUTORY INSTRUMENTS

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**2009 No. 3210**

**CENSUS, ENGLAND AND WALES**

**The Census (England and Wales) Order 2009**

*Made - - - - 9th December 2009*

*Coming into force - - 10th December 2009*

At the Court at Buckingham Palace, the 9th day of December 2009

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). 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 that 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 presented an address to Her Majesty against the draft or any part of it.

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

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**Citation and Commencement**

1. This Order may be cited as the Census (England and Wales) Order 2009 and shall come into force on the day after the day on which it is made.

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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) and by section 1(1) of the Census (Amendment) Act 2000 (c.24) which inserted paragraph 5A.
- (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).

## **Interpretation**

### **2.—(1) In this Order—**

“census day” means 27th March 2011;

“census night” means the night of 27th March to 28th March 2011;

“dwelling” includes part of a dwelling and any caravan, houseboat, 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) 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.

### **(2) For the purposes of this Order—**

(a) a person is a usual resident at an address in England or Wales if any of the following applies—

- (i) except where paragraph (iii), (iv) or (v) 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 England or Wales, 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 establishment 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; or
- (vi) in the case of Group F, paragraph (i) does not apply and 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;

(b) a person is a reckonable visitor at an address in England or Wales if sub-paragraph (a) does not apply and the person spends census night at that address.

(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 England and Wales on 27th March 2011.

### **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 England or 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) 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 1920(4).

### **Persons by whom returns to be made**

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 does not return during the period of 6 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 each 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) where all the members of the household are away from the dwelling on census day and none returns during the period of 6 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—

- (a) is aged 16 years or over on census day; and
- (b) is capable of making a return,

may elect to make an individual return and, if such a return is made, it must be by that person.

(6) 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; and
- (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.

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

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

- (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.
- (8) 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 their number may make the return on their behalf.

(9) 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 in accordance with paragraph (5) of article 6.

### **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 3;
- “the visitor particulars” are those specified in items 4 and 5;
- “the demographic particulars” are those specified in items 6 to 20;
- “the education and employment particulars” are those specified in items 21 to 26;
- “the accommodation particulars” are those specified in items 27 to 33;
- “the additional particulars for Wales” are those specified in item 34; and
- “the additional particulars for individual returns” are those specified in items 35 and 36.

- (2) 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 one who has elected to make an individual return—
    - (i) the demographic particulars;
    - (ii) if the person is aged 16 years or over, the education and employment particulars;
    - (iii) if the person is a usual resident at an address in Wales, the additional particulars for Wales.
- (3) Every individual return made in accordance with article 5(5), (6) or (7) must state—
- (a) the demographic particulars;
  - (b) if the person is aged 16 years or over, 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) Every return made in accordance with article 5(8) must state the visitor particulars and the accommodation particulars.

(5) Every return made in accordance with article 5(9) must state the particulars specified in Schedule 3.

*Judith Simpson*  
Clerk of the Privy Council

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

SCHEDULE 1

Article 2(3)

| <i>(1)</i>   | <i>(2)</i>   |
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| <i>Premises, vessel or other place</i>   | <i>Persons</i>   |
| GROUP A  |  |
| Any dwelling.  | 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, religious or charitable community or other residential establishment, not being an establishment 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 or other place of 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 midnight ending 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)-(4)

Particulars to be stated in returns

**Resident particulars**

1. For each usual resident at the address, the first name, last name, *connection to the household or accommodation and whether or not an individual return has been issued for that person.*
2. *The total number of usual residents at the address.*
3. For each usual resident—

- (a) except in a case to which (b) applies, the relationship to the first person named in the return *and the relationship to each of the previous persons named in the return*;
- (b) *in the case of any person named seventh or at any higher number in a return, the relationship to the first person named in the return and to any other person named at a previous number higher than six in the return.*

### **Visitor particulars**

4. For each reckonable visitor at the address, the first name, last name, sex, date of birth, *connection to the household or accommodation* and usual address or country of usual residence if outside the UK.

5. *The total number of reckonable visitors at the address.*

### **Demographic particulars**

6. Sex and date of birth.

7. Current legal status as to marriage or civil partnership.

8. *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.*

9. Country of birth.

10. *If not born in the UK, the month and year of most recent arrival to live in the UK, and if that event was on or after 27th March 2010, the length of intended stay in the UK.*

11. Country of passport held.

12. *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 UK), or the country (if outside the UK), and in either case the type of address.*

13. *Whether or not the person suffers from any health problem or disability which has lasted or is expected to last at least 12 months and which limits that person's day-to-day activities.*

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

15. *Whether or not the person looks after or gives help or support to family members, friends, neighbours or others because of long-standing physical or mental ill-health or disability 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.*

16. *Whether the person describes themselves as: English, Welsh, Scottish, Northern Irish, British, or any other national identity (stating which) and which one of the following—*

- (a) White and whether English/Welsh/Scottish/Northern Irish/British, Irish, Gypsy or Irish Traveller, 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 ethnic 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 African, Caribbean, or any other Black/African/Caribbean background (stating which); or
- (e) Arab or other ethnic group (stating which).

17. Whether the person describes themselves as: of no religion, Christian, Buddhist, Hindu, Jewish, Muslim, Sikh, or of any other religion (stating which).

18. Whether main language is English (or for returns in Wales, Welsh or English) or another language (stating which).

19. If 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.

20. *Whether on 27th March 2010—*

(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).*

***Education and Employment particulars for each person to whom article 6(2)(d)(ii) or 6(3)(b) applies***

21. *The levels of educational qualifications obtained (if any) and whether any of the following have been obtained —*

(a) *professional qualifications;*

(b) *vocational or work-related qualifications;*

(c) *foreign qualifications.*

22. *Whether that person during the week preceding census day was—*

(a) *working as an employee;*

(b) *on a Government sponsored training scheme;*

(c) *self-employed or working freelance;*

(d) *working paid or unpaid for own or a family business;*

(e) *doing any other kind of paid work;*

(f) *away from work ill, on maternity leave, on holiday or temporarily laid off; or*

(g) *none of the above.*

23. *If not working during the week preceding census day, whether or not that 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;*

*and whether that person was—*

(d) *retired;*

(e) *a student;*

(f) *looking after the home or family;*

(g) *long term sick or disabled; or*

(h) *not working for any other reason.*

24. *If not working during the week preceding census day, whether that person has ever worked and if so, the last year of work.*

**25.** For the main job done during the week preceding census day, 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) the full title of the main job;
- (c) what was done in the main job;
- (d) whether or not supervising any other employees;
- (e) the main business activity of the employer at the place of work; and
- (f) either the name of the organisation worked for (including own organisation if self-employed) or whether there was no such organisation.

**26.** In respect of any person who was working during the week preceding census day—

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

#### ***Accommodation particulars***

**27.** 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 or tenement, part of a converted or shared house (including bed-sits) or in a commercial building); or
- (c) a caravan or any other mobile or temporary structure.

**28.** Whether or not the accommodation is self-contained.

**29.** Excluding any bathrooms, toilets, halls or landings, or rooms that can only be used for storage, the number of rooms for use only by the household (and the number of these rooms that are designed for use as a bedroom).

**30.** Whether or not the accommodation has central heating, and if so whether the type of heating is gas, electric, oil, solid fuel or other type.

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

**32.** *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.*

**33.** *Where the household to which the return relates rents or part rents the accommodation or lives in the accommodation rent free, the type of landlord.*

***Additional particulars for Wales***

34. In respect of any person, whether able to—
- (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***

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

36. *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; or*
- (b) *a member of staff or the owner of the establishment; or*
- (c) *a family member or partner of a member of staff or of the owner of the establishment.*

SCHEDULE 3

Article 6(5)

Particulars to be stated in returns relating to Communal Establishments

1. *Number of individual forms issued.*
2. *Number of individual forms collected.*
3. *Number of returns completed online.*
4. *Number of reckonable visitors present on census night.*
5. *Type of establishment.*

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for the taking of a census for England and Wales on 27th March 2011. 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. No impact assessment has been produced for this Order as no impact on the private or voluntary sector is foreseen.