This document relates to the Census (Amendment) (Scotland) Bill (SP Bill 8) as introduced in the Scottish Parliament on 29 February 2000

CENSUS (SCOTLAND) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

1. As required under Rule 9.3 of the Parliament’s Standing Orders, the following documents are published to accompany the Census (Scotland) Bill introduced in the Scottish Parliament on 29 February 2000:
   - Explanatory Notes;
   - a Financial Memorandum;
   - an Executive Statement on Legislative Competence; and
   - the Presiding Officer’s Statement on Legislative Competence.

A Policy Memorandum, also prepared by the Scottish Administration, is printed separately as SP Bill 8–PM.
EXPLANATORY NOTES

INTRODUCTION

2. These Explanatory Notes have been prepared by the Scottish Administration in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

3. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

4. The primary legislation that provides for the taking of a census in Scotland is the Census Act 1920 (“the 1920 Act”). Under the provisions of section 1(1) of this Act an Order in Council may prescribe:

- the date on which the census is to be taken;
- the persons by whom and with respect to whom the census returns are to be made; and
- the particulars to be stated in the returns.

5. The Schedule to the 1920 Act authorises the inclusion of the following topics in respect of which particulars may be required:

- Names, sex, age;
- Occupation, profession, trade or employment;
- Nationality, birthplace, race, language;
- Place of abode and character of dwelling; and
- Condition as to marriage, relation to head of family, issue born in marriage.
6. The inclusion in the Census of questions on other topics which are:

“All 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”

is also permitted under a further paragraph of the Schedule to the 1920 Act.

THE BILL

7. The Bill has two main purposes. The first is to specify religion in the Schedule to the 1920 Act as a topic in respect of which particulars may be required in Scotland. The second is to provide that no person shall be liable to a penalty under subsection (1) of section 8 of the 1920 Act for refusing or neglecting to state any particulars in respect of religion in Scotland.

8. The Census in Scotland is a devolved matter. A Census (Amendment) Bill to provide for a question on religion in England and Wales has been introduced in the United Kingdom Parliament. There is separate census legislation in Northern Ireland, which already provides for a question on religion.

COMMENTARY ON THE BILL

9. The Bill consists of two short sections.

Section 1 – Particulars about religion may be gathered in census

10. This section has the effect of adding “Religion” to those topics that are specified in the Schedule to the Census Act as being matters in respect of which particulars may be required to be given in the Census in Scotland. The section also provides that no person shall be liable to a penalty under subsection (1) of section 8 of the 1920 Act for refusing or neglecting to state any particulars in respect of religion in Scotland.

Section 2 – Short title

11. This section is self-explanatory.

COMMENCEMENT

12. The Bill will come into force immediately on Royal Assent.
FINANCIAL MEMORANDUM

13. There are no costs or savings to which the provisions of the Census (Amendment) (Scotland) Bill may give rise. However, if an Order in Council were approved to provide for particulars to be stated in respect of religion, then costs on the Scottish Administration would be incurred. It is estimated that the increased expenditure will be around £50,000. No costs on local authorities, other bodies, individuals and businesses would be incurred.

EXECUTIVE STATEMENT ON LEGISLATIVE COMPETENCE

14. On 29 February 2000, the Minister for Justice, Jim Wallace made the following statement:

“In my view, the provisions of the Census (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

15. On 29 February 2000, the Presiding Officer (Sir David Steel) made the following statement:

“In my view, the provisions of the Census (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”
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