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Explanatory Notes (SP Bill 40-EN), a Financial Memorandum (SP Bill 40-FM), a Policy
Memorandum (SP Bill 40-PM) and statements on legislative competence (SP Bill 40-LC).**

Census (Amendment) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to amend the Census Act 1920 to enable particulars about gender identity and sexual orientation to be gathered voluntarily.

1 Particulars about gender identity and sexual orientation may be gathered in census

(1) The Census Act 1920 is amended as follows.

(2) In the schedule (matters in respect of which particulars may be required)—

(a) in paragraph 1, after “sex” insert “(including gender identity)”,

(b) after paragraph 5A insert—

“5B Sexual orientation.”.

(3) In section 8 (penalties), for subsection (1A) substitute—

“(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 gender identity, as are prescribed for the purposes of this subsection in an Order in Council under section 1 or 6 of this Act.”.

2 Commencement

(1) This section and section 3 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force at the end of the period of 2 months beginning with the day of Royal Assent.

3 Short title

The short title of this Act is the Census (Amendment) (Scotland) Act 2019.

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An Act of the Scottish Parliament to amend the Census Act 1920 to enable particulars about gender identity and sexual orientation to be gathered voluntarily.

Introduced by: Fiona Hyslop
On: 2 October 2018
Bill type: Government Bill

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