

I
1974

STATES OF ALDERNEY

ORDINANCE OF THE STATES

Made 6th March, 1974
Coming into force 6th March, 1974

THE CENSUS (ALDERNEY) ORDINANCE, 1974

THE STATES, in pursuance of their Resolution of the fifth day of December, nineteen hundred and seventy three, hereby order:-

Interpretation.

1. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"the Committee" means the States of Alderney Finance Committee;

"the Census" means the census taken in accordance with the provisions of this Ordinance;

"census day" means the twenty-eighth day of April, nineteen hundred and seventy-four;

"census night" means the period beginning at sunset on the twenty-eighth day of April, nineteen hundred and seventy-four and ending at sunrise on the twenty-ninth day of April, nineteen hundred and seventy-four;

"census supervisor" means a person appointed by the Registrar, with the approval of the Board, to perform the duties ascribed to him by or under this Ordinance;

"dwelling" includes any building or part of any building used as living accommodation and any caravan, houseboat, shed or other place so used;

"enumerator" means a person appointed under the provisions of paragraph (b) of section nine of this Ordinance;

"form of return" means any form issued by the Registrar for the purpose of making a return under this Ordinance;

"owner" in relation to any premises means –

- (a) where the premises are the subject of saisie proceedings which have resulted in the making of an interim vesting order, the person in whose favour such order has been made;
- (b) where the premises are not the subject of saisie proceedings but are the subject of a vested right of usufruct, the usufructuary;
- (c) where the premises are not the subject of such saisie proceedings or of such right of usufruct –
 - (i) the beneficial owner, if those premises are not held in trust, or
 - (ii) the trustees, if those premises are held in trust;

and the expression "owned" shall be construed accordingly;

"prescribed person" means a person required by this Ordinance to make a return in accordance with the provisions of this Ordinance.

Appointment of Registrar.

2. The Committee shall appoint a person, to be called the Registrar, to perform the duties assigned to him by or under this Ordinance.

Forms.

3. The forms to be used in connection with the Census shall be issued by the Registrar.

Taking of Census.

4. A Census shall be taken for the Island of Alderney (hereinafter referred to as "the Census Area") on the twenty-eighth day of April, nineteen hundred and seventy-four and for that purpose returns shall be made in accordance with the provisions of this Ordinance with respect to –

- (a) all persons in the Census Area; and
- (b) all other persons (being persons usually resident in the Census Area) to whom paragraph (c) of column (2) of Group I of the First Schedule to this Ordinance refers;

who are alive at midnight ending that day.

Persons with respect to whom the returns are to be made.

5. The return with respect to any person to whom section four of this Ordinance applies shall be made in accordance with the provisions of this Ordinance relating to that one of the Groups set out in the First Schedule to this Ordinance in which that person is included and shall be so made on the form of return.

Persons by whom the returns are to be made.

6.(1) The head, or person for the time being acting as the head, of each private household occupying any dwelling or part of a dwelling to which column (1) of Group I in the First Schedule to this Ordinance applies shall make a return with respect to every person specified in column (2) of that Group:

Provided that any person entitled under section twelve of this Ordinance to make a confidential return and claiming so to do in the manner prescribed by that section shall, subject to the conditions prescribed in that section, be deemed to be the person by whom the return is to be made with respect to himself.

(2) Subject to the provisions of subsection (3) of this section every person specified in column (2) of Groups II, III and IV in the First Schedule to this Ordinance shall make a return with respect of himself:

Provided that where any such person is, for any reason, incapable of completing the form of return –

- (a) if the person is included in column (2) of Group II, the manager or other person in charge of the hotel, boarding house or common or other lodging house shall make a return with respect to that person or may arrange for the return to be made by any relative or other person accompanying him;
- (b) if he is a person included in column (2) of Group III, the form with respect to that person shall be completed by the chief resident officer or other person for the time being in charge of the premises;

(3) In the case of any premises mentioned in Groups II or III in the First Schedule to this Ordinance, the manager, chief resident officer or other person for the time being in charge of the premises shall enter on every return made under subsection (2) of this section by or with respect to any person in the premises the address of the premises.

Particulars to be stated on the returns.

7. The returns referred to in subsections (1) and (2) of section six of this Ordinance shall state with respect to each person the particulars specified in items 1 to 5 inclusive in the Second Schedule to this Ordinance.

Definition of districts.

8. The Registrar shall divide the Census Area into census districts and each census district into enumeration districts.

Appointment of census officers and enumerators.

9. For the purpose of the Census –

- (a) the Registrar, with the approval of the Committee, may appoint persons as census officers or assistant census officers, as the case may be, (hereinafter referred to as "census officers") to assist the census supervisor in the performance of his duties under this Ordinance;
- (b) the Registrar, with the approval of the Committee, may appoint, or authorise the census supervisor, subject to the like approval, to appoint for any enumeration district, a person who shall perform in that enumeration district the duties of an enumerator under this Ordinance;
- (c) the census supervisor, every census officer, enumerator and every person assisting an enumerator in the performance of his duties, shall, in the case of the census supervisor at such time as the Registrar may direct and, in any other case before he acts as a census officer, enumerator or person assisting an enumerator or performs any of his duties as such, sign an undertaking in such form as the Registrar may direct faithfully to perform his duties under the provisions of this Ordinance.

Duties of census supervisor and enumerators.

10.(1) The census supervisor shall enter in the enumeration books provided for the purpose of the Census by the Registrar, such particulars as the Registrar may require and shall, not later than fourteen days before the census day, furnish every enumerator appointed under this Ordinance to act for an enumeration district with such an enumeration book and with a sufficient number of forms of return and such other forms as may be necessary for the purpose of the Census.

(2) Every enumerator shall, within such period as may be directed by the census supervisor, deliver to each prescribed person in his district or to a person acting on behalf of such prescribed person the appropriate form of return and shall, upon so delivering the form, enter thereon and in the enumeration book such particulars as the Registrar may require.

(3) Every enumerator shall, if so requested by any prescribed person or by any person acting on behalf of a prescribed person, give such explanations as to the form of return or the procedure to be followed in making the return as are reasonably necessary to enable the prescribed person to make a proper return.

Information to be given and delivery of return to enumerator.

11.(1) Every prescribed person shall give to the enumerator on the delivery or collection, as the case may be, of the form of return such information as the enumerator may reasonably require for the performance of his duties under this Ordinance, and every other person in respect of whom it is the duty of a prescribed person to make a return shall give to that prescribed person such information as he may reasonably require for that purpose:

Provided that no person shall use, publish, or communicate to any other person any information so given otherwise than in accordance with this Ordinance.

(2) Every prescribed person shall, on request, deliver the form of return to the enumerator.

Confidential returns.

12.(1) Any person aged sixteen years or over on the census day who is not a prescribed person, a person detained in prison, a person certified to be of unsound mind or an inmate for reasons of mental illness of a hospital or other institution may make a confidential return if he fulfils the conditions hereinafter prescribed, so far as the same are applicable to him.

(2) Subject to the provisions of the last preceding subsection, a person claiming to make a confidential return as aforesaid (hereinafter referred to as "the applicant") or a person acting on his behalf shall apply for a separate form of return to the enumerator when he attends to deliver the form of return to the prescribed person who, but for the provisions of this section, would be required to make a return in respect of the applicant:

(3) The enumerator or census supervisor shall, upon such application as aforesaid, issue to the applicant or the person acting on his behalf a separate form of return and shall, if so requested, give such explanations as are reasonably necessary to enable the applicant to make a proper return.

(4) The applicant shall enter on his separate form of return –

(a) the required particulars in respect of himself specified in items 1 to 5 inclusive in the Second Schedule to this Ordinance; and

(b) the address of the premises at which the applicant was present on census night;

(5) The said prescribed person shall enter on his form of return in respect of the applicant no particulars other than his name and the relation in which he stands to the prescribed person.

Collection of returns.

13. The enumerator shall, as soon as may be, collect all forms of return delivered by him or obtained by an applicant within his enumeration district under the provisions of the last preceding section, examine each return and satisfy himself that the entries thereon are properly and sufficiently made, make all such enquiries as are reasonably necessary for that purpose and shall himself make such corrections in the returns as appear to him on enquiry to be required.

Duties of enumerators after collection.

14. The enumerator shall, on receiving each form of return, enter thereon and in his enumeration book such particulars as may be required by the Registrar to be so entered, and shall –

(a) enter in the enumeration book and in all forms of return collected by him such further particulars as may be required by the Registrar; and

(b) deliver to the census supervisor the enumeration book and the forms of return of all prescribed persons in his district duly completed as aforesaid, and do such other acts and things relating to the census enumeration in his district as may be required by instructions or directions of the Registrar given under this Ordinance.

Duties of census supervisor.

15.(1) The census supervisor shall examine the enumeration books and the returns so delivered to him, and where it appears to him that any book or return is incomplete, or that any entry on a form of return is insufficient or is inconsistent with any other entry, he shall require the enumerator from whom it was received to take such steps as may be reasonably necessary, whether by enquiry from any prescribed person or otherwise, to complete or correct the book or return and to forward the book or return duly completed or corrected to the census

supervisor within the period specified by the census supervisor for that purpose.

(2) The census supervisor shall, within such period as may be directed by the Registrar, forward to the Registrar the enumeration books duly completed for all enumeration districts, together with the returns made by all the prescribed persons and do such other acts and things relating to the Census as may be required by instructions or directions of the Registrar given under this Ordinance.

Instructions and directions to census supervisor, census officers and enumerators.

16. The Registrar may give, or may authorise the census supervisor to give, to a census officer or an enumerator, and may give to the census supervisor, such instructions or directions, whether particular or general, as he may think necessary for the due performance by the census supervisor or census officers or enumerators of their duties under this Ordinance, and any such instructions or directions shall be complied with by the census supervisor or any census officer or enumerator to whom they are given.

Replacement of census supervisor, census officer or enumerator.

17. Where it appears to the Registrar that the census supervisor or a census officer or enumerator is for reasons of health or otherwise unfit to perform his duties under this Ordinance, he may with the approval of the Committee appoint some fit and proper person in his place to perform such duties.

Declaration on completion of duties.

18. The Registrar may, if he thinks fit, require the census supervisor or a census officer or enumerator to make a declaration in writing that the census supervisor or such census officer or enumerator has properly and sufficiently performed his duties under this Ordinance and in the case of a census officer or enumerator, may authorise the census supervisor to take such declaration.

Unauthorised person not to have access to documents.

19. A person having the custody, whether on his own behalf or on behalf of any other person, of any forms of return, enumeration books or other confidential documents relating to the Census shall keep such forms, books and other documents in such manner as to prevent any unauthorised person having access thereto.

Census report and custody of documents.

20.(1) The Registrar shall, as soon as may be after the taking of the Census, prepare a report on the census returns in such form as may be directed by the Committee (hereinafter referred to as "the census report") and shall deliver the census report to the Committee.

(2) The Committee shall, as soon as may be after the delivery of the census report by the Registrar, transmit a copy of the census report to the President of the States for the information of members of the States.

(3) The Registrar shall, as soon as may be after the preparation of the census report, transmit to Her Majesty's Greffier for preservation and safe-keeping all forms of return, enumeration books and other confidential documents relating to the Census.

Penalties.

21.(1) If a person –

- (a) refuses or neglects to comply with or acts in contravention of any of the provisions of this Ordinance; or
- (b) being a person required under the provisions of this Ordinance to make a declaration with respect to the performance of his duties, knowingly or recklessly makes a false declaration; or
- (c) being a person required under the provisions of this Ordinance to make, sign or deliver any document, knowingly or recklessly makes, signs or delivers, or causes to be made, signed or delivered a false document; or
- (d) being a person required in pursuance of this Ordinance to answer any question, refuses to answer or knowingly or recklessly gives a false answer to that question; or
- (e) omits faithfully to perform his duties under the provisions of this Ordinance;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

- (2) If any person –
- (a) being a person employed in connection with the Census, without lawful authority publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment; or
 - (b) having possession of any information which to his knowledge has been disclosed in contravention of this Ordinance, publishes or communicates that information to any other person;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds.

Repeal.

22. The Census (Alderney) Ordinance, 1971, is hereby repealed.

Citation.

23. This Ordinance may be cited as the Census (Alderney) Ordinance, 1974.

FIRST SCHEDULE Sections four, five and six.

(1)	(2)
Premises or other place GROUP 1	Persons GROUP 1
Any dwelling or part of a dwelling occupied by a private household (whether consisting of one or more persons).	(a) Every person spending census night in the dwelling or the part of the dwelling whether as a member of the household, guest, paying guest or boarder or as an employee of any such person; (b) every person who arrives at the dwelling or the part of the dwelling at any time after midnight ending census day but before the returns with respect to the persons in the dwelling are collected, and who has not been included as present in any other return; (c) every person, not being a person to whom paragraph (a) or (b) above refers, who is usually resident in the dwelling or the part of the dwelling but who does not spend census night there.

<p style="text-align: center;">GROUP II</p> <p>Any hotel, boarding house or common or other lodging house.</p>	<p style="text-align: center;">GROUP II</p> <p>Every person spending census night in the premises, and any other person who arrives at the premises after midnight ending census day but before the returns with respect to the persons in the premises are collected, and who has not been included as present in any other return.</p>
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<p style="text-align: center;">GROUP III</p> <p>Any hospital, nursing home, religious or charitable community, residential school or college, the States prison, lock-up premises, or other place of detention or any residential establishment whatsoever, not being an establishment mentioned elsewhere in this Schedule.</p>	<p style="text-align: center;">GROUP III</p> <p>Every person spending census night in the premises, and any other person who arrives at the premises after midnight ending census day but before the returns with respect to the persons in the premises are collected, and who has not been included in any other return.</p>
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<p style="text-align: center;">GROUP IV</p> <p>Any other place not included in the above groups.</p>	<p style="text-align: center;">GROUP IV</p> <p>Every person spending census night in any such place.</p>
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SECOND SCHEDULE Sections seven and twelve

PARTICULARS TO BE STATED IN RETURNS

1. Full name.
2. Address of usual residence.
3. Sex.
4. Age group (i.e. whether under 5, 5 to 15, 16 to 25, 26 to 45, 46 to 65, or over 65 years of age).
5. Whether ordinarily resident in Alderney.