

Island of  Guernsey

Ordinance of the States **XXXI**

1980

Made 11th December, 1980.
Came Into Operation ... 11th December, 1980.

The Census Ordinance, 1980

THE STATES, in pursuance of their Resolution of the thirty-first day of July, nineteen hundred and eighty, hereby order:—

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

*Interpreta-
tion.*

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

“census day” means the fifth day of April, nineteen hundred and eighty-one;

“census night” means the period beginning at sunset on the fifth day of April, nineteen hundred and eighty-one and ending at sunrise on the sixth day of April, nineteen hundred and eighty-one;

“census supervisor” means a person appointed by the Chief Registrar, with the approval of the Committee, to perform the duties ascribed to him by or under this Ordinance;

“the Committee” means the States Advisory and Finance Committee;

“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 Chief Registrar for the purposes 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.

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

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

4. A Census shall be taken for the Islands of Guernsey, Herm and Jethou (hereinafter referred to as "the Census Area") on the fifth day of April, nineteen hundred and eighty-one and for that purpose returns shall be made in accordance with the provisions of this Ordinance with respect to— Taking of Census.

(a) all persons in the Census Area; and

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

who are alive at midnight ending that day.

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

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 subsections (3) and (4) of this section every person specified in column (2) of Groups II, III, IV, V and VI in the First Schedule to this Ordinance shall make a return with respect to 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;
- (c) if he is a person included in column (2) of Group IV, the form shall be completed with respect to him by a person appointed for the purpose;
- (d) if he is a person included in column (2) of Group V, the form shall be completed with respect to him by the captain or master or other person for the time being in charge of the vessel.

(3) In the case of any premises or vessel mentioned in Groups II, III or V in the First Schedule to this Ordinance, the manager, chief resident officer or other person for the time being in charge of the premises or the captain, master or other person for the time being in charge of the vessel, and in the case of any premises or vessel mentioned in Group IV in the First Schedule to this Ordinance a person appointed for the purpose, shall enter on every return made under subsection (2) of this section by or with respect to any person in the premises or vessel the address of the premises or name of the vessel and shall also make a return on the form issued by the Chief Registrar in relation to the premises or vessel, and shall state in the last mentioned return the particulars contained in subsection (3) of section seven of this Ordinance.

(4) The requirement of subsection (2) of this section shall not apply so as to require a person to make a return with respect to himself where a return with respect to such person is required to be made under the provisions of subsection (1) of this section as being a person to whom paragraph (a) of column (2) of Group I of the First Schedule to this Ordinance refers.

7. (1) 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 8 inclusive in the Second Schedule to this Ordinance:

Particulars to be stated in the returns.

Provided that in the case of any person who belongs to a naval, military or air force, the return need not state the particulars specified in item 8 in the Second Schedule to this Ordinance but shall state the service and branch or arm of service to which he belongs and his rank or rating.

(2) The returns made under subsection (1) of section six of this Ordinance by heads, or persons for the time being acting as heads, of private households shall state also the particulars specified in items 9 to 15 inclusive in the Second Schedule to this Ordinance.

(3) The following particulars shall be stated in a return made in accordance with subsection (3) of section six of this Ordinance in relation to any premises or vessel:—

- (a) in the case of any premises mentioned in column (1) of Group II in the First Schedule to this Ordinance, the names of all persons specified in column (2) of that Group, the nature of the premises, the number of rooms in the premises and the means of drainage for the disposal of sewage available to the premises;
- (b) in the case of any premises mentioned in column (1) of Groups III or IV in the First Schedule to this Ordinance the names of all persons specified in column (2) of those Groups, the nature of the premises and the means of drainage for the disposal of sewage available to the premises;
- (c) in the case of any vessel mentioned in column (1) of Group IV in the First Schedule to this Ordinance, the names of all persons specified in column (2) of that Group, the name of the vessel and its position at midnight ending census day;
- (d) in the case of any vessel mentioned in column (1) of Group V in the First Schedule to this Ordinance, the names of all persons specified in column (2) of that Group and the position of the vessel at midnight ending census day.

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

9. For the purpose of the Census—

(a) the Chief 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; Appoint-ment of census officers and enumerators.

(b) the Chief 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 Chief 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 Chief Registrar may direct faithfully to perform his duties under the provisions of this Ordinance.

10. (1) The census supervisor shall enter in the enumeration books provided for the purpose of the Census by the Chief Registrar, such particulars as the Chief Registrar may require and shall, not later Duties of census supervisor and enumerators.

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 Chief 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.

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. Confidential returns.

(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:

Provided that if the applicant cannot reasonably obtain a form of return elsewhere, he may apply in person, not later than two days before the census day, to the census supervisor.

(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 8 inclusive in the Second Schedule to this Ordinance; and

(b) the address of the premises at which the applicant was present on census night; and shall comply with any instructions contained in that form, so far as they are applicable to him.

(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 Chief 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 Chief 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 Chief Registrar given under this Ordinance.

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.

Duties of
census
supervisor.

(2) The census supervisor shall, within such period as may be directed by the Chief Registrar, forward to the Chief 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 Chief Registrar given under this Ordinance.

16. The Chief 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.

Instruc-
tions and
directions
to census
supervisor,
census
officers and
enumera-
tors.

Replacement of census supervisor, census officer or enumerator.

17. Where it appears to the Chief 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 Chief 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 Chief 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 Chief Registrar, transmit a copy of the census report to the President of the States for the information of members of the States.

(3) The Committee shall, as soon as may be after the preparation of the census report, order the destruction of all forms of return and other confidential personal documents relating to the Census including the erasure of all data held on computer files.

(4) The Committee shall ensure that the confidential nature of any document ordered to be destroyed under the last preceding subsection shall be preserved during the process of destruction and until the document is effectively destroyed and for this purpose any destruction so ordered shall be carried out in such manner as the Committee may direct.

21. (1) If a person—

Penalties.

- (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 two hundred and 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 five hundred pounds.

Repeals.

22. The Census Ordinance, 1976(a) and the Census (Amendment) Ordinance, 1976(b), are hereby repealed.

Citation.

23. This Ordinance may be cited as the Census Ordinance, 1980.

(a) Recueil d'Ordonnances Tome XX, p. 245.

(b) Recueil d'Ordonnances Tome XX, p. 474.

FIRST SCHEDULE

Sections four, five, six and seven

(1)	(2)
Premises, vessel or other place	Persons

GROUP I

- Any dwelling or part of a dwelling occupied by a private household (whether consisting of one or more persons).
- (a) Every person who is usually resident in the dwelling or the part of the dwelling;
 - (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 usually resident in the Census Area who spends census night in the dwelling or the part of the dwelling.

GROUP II

- Any hotel, boarding-house or common or other lodging house.
- 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.

(1)
Premises, vessel or other place

(2)
Persons

GROUP III

Any hospital, nursing home, religious or charitable community, residential school or college, the States prison, lock-up or other place of detention or any residential establishment whatsoever, not being an establishment mentioned elsewhere in this Schedule.

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.

GROUP IV

Any vessel, barracks, station or other premises, under naval, military or air force discipline or any vessel or premises in respect of which the Chief Registrar is satisfied that on grounds of security special arrangements ought to be made.

Every person spending census night in the vessel or premises, and any other person who arrives at the vessel or premises after midnight ending census day but before the returns with respect to the persons in the vessel or premises are collected, and who has not been included as present in any other return.

GROUP V

Any other vessel lying moored or anchored in any place.

Every person spending census night in any such vessel, and any other person who arrives at the vessel after midnight ending census day but before the returns with respect to the persons in the vessel are collected, and who has not been included as present in any other return.

GROUP VI

Any other place not included in the above groups.

Every person spending census night in any such place.

SECOND SCHEDULE

Sections seven and twelve

PARTICULARS TO BE STATED IN RETURNS

1. Full name.
2. Sex.
3. Date of birth.
4. Whether single, married, widowed or divorced and not re-married.
5. Country of birth.
6. Whether usually resident within or outside the Census Area.
7. In respect of any person usually resident within the Census Area the year of first entry into the Census Area during the current period of residence.
8. In respect of any person aged fifteen years or over whether in employment at any time during the week preceding census day and if so, stating in respect of the main employment in that week—
 - (i) whether that employment was as an employee or, if self-employed, whether or not employing others;
 - (ii) name and nature of business of employer;
 - (iii) occupation and the kind of work done.
9. Whether the living accommodation to which the return relates is owned by any person usually resident therein and, if not, whether it is—
 - (i) rented from the States;

- (ii) rented from any other person or body, and, if so, whether rented furnished or unfurnished;
 - (iii) occupied by virtue of employment; or
 - (iv) rented together with a farm or business premises.
10. Number of rooms occupied by the persons in the private household to which the return relates.
11. Whether the household to which the return relates has the use of a telephone situated within the dwelling.
12. Whether the persons in the private household occupying the dwelling or the part of the dwelling to which the return relates have exclusive use or shared use of—
- (i) a flush toilet (water closet) with entrance inside the dwelling;
 - (ii) a fixed bath or shower permanently connected to a water supply and a waste pipe;
 - (iii) a hot water supply, either piped or direct from a heating appliance, to a wash basin or kitchen sink or bath or shower.
13. The main source of energy used by the household to which the return relates for—
- (i) heating of rooms;
 - (ii) cooking;
 - (iii) water heating.
14. The number of motor cars and vans normally available for use by members of the private household to which the return relates.

15. The means of drainage for the disposal of sewage available to the dwelling or the part of the dwelling to which the return relates.

R. H. VIDELO,
Her Majesty's Greffier.