

Island of Guernsey

Ordinance of the States

LIV
1990

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| Made | | 13th December, 1990. |
| Coming into Operation | | 13th December, 1990. |

The Census Ordinance, 1990

THE STATES, in pursuance of their Resolution of the 27th day of July, 1989(a), hereby order:—

Interpretation

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

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

“the Census Area” means the Islands of Guernsey, Herm and Jethou;

“census day” means the 21st day of April, 1991;

“census night” means the period beginning at sunset on the 21st day of April, 1991 and ending at sunrise on the 22nd day of April, 1991;

(a) Billet d'Etat No. XIV of 1989, Article XIII.

“the Committee” means the States Population and Migration Committee;

“dwelling” includes any building or part of any building capable of use as living accommodation and any tent, caravan, houseboat, shed or other place so used;

“enumerator” means a person appointed under section 8(c) of this Ordinance;

“prescribed person” means a person required by section 5 of this Ordinance to make a return in accordance with the provisions of this Ordinance;

“return” means any form issued by the Chief Registrar under section 4 of this Ordinance for the purpose of making a return under this Ordinance.

Taking of Census

2. A Census shall be taken for the Census Area at midnight ending census day and for that purpose returns shall be made by the prescribed persons in accordance with the provisions of this Ordinance with respect to all living persons specified in column (2) of the First Schedule to this Ordinance.

Appointment of Chief Registrar

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

Forms

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

Persons by whom the returns are to be made.

5. (1) The head or joint heads, or the person or persons for the time being acting as head or joint heads, of each household occupying any dwelling or part of a dwelling to which column (1) of Group I in the First Schedule to this Ordinance applies or, where there is no head or acting head and there are no joint heads or acting joint heads of that household, the members of that household who are aged 16 years or over or, where the private household consists of one person, that person, shall make a return with respect to every person specified in column (2) of that Group:

Provided that any person entitled under section 11 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, 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 he is a person 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 him or shall 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 him 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;
- (e) if he is a person included in column (2) of Group VI, the return may be made with respect to him by any other person capable of doing so on his behalf.

(3) In the case of any premises or vessel mentioned in Groups II, III or V in column (1) of 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 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 section 6(3) of this Ordinance.

6. (1) The returns referred to in section 5(1) and (2) of this Ordinance shall state with respect to each person the particulars specified in items 1 to 17 inclusive in the Second Schedule to this Ordinance:

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 items 13 to 15 in the Second Schedule to this Ordinance but shall state the service or branch or arm of service to which he belongs and his rank or rating.

(2) The return made under section 5(1) of this Ordinance by the head or joint heads, or the person or persons for the time being acting as the head or joint heads, of a household shall state also the particulars specified in items 19 to 23 inclusive in the Second Schedule to this Ordinance.

(3) The following particulars shall be stated in a return made in accordance with section 5(3) 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 and the number of usual residents, the address and nature of the premises and the number of rooms in 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 number of usual residents and the address and nature of 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 number of usual residents and 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, the number of usual residents and the position of the vessel at midnight ending census day.

Division of Census Area

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

Appointment of census supervisor, census officers and enumerators

8. For the purpose of the Census—
- (a) the Chief Registrar, with the approval of the Committee, shall appoint a census supervisor to perform the duties ascribed to him by or under this Ordinance;
 - (b) 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;
 - (c) 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;
 - (d) 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 a 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.

Duties of census supervisor and enumerators

9. (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 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 responsible 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

10. (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

11. (1) Any person aged sixteen years or over on 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 wishing to make a confidential return (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 17 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 instruction 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

12. 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

13. 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 all forms of return 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.

Duties of census supervisor

14. (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 of 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 Chief Registrar, forward to the Chief Registrar all enumeration books and forms of return duly completed 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.

Instructions and directions to census supervisor, census officers and enumerators

15. 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.

Replacement of census supervisor, census officer or enumerator

16. 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

17. 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

18. A person having the custody 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

19. (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 Chief Registrar shall, as soon as may be after the preparation of the census report, transmit to the Royal Court for preservation and safe-keeping all forms of return, enumeration books and other confidential documents relating to the Census including all data held on computer files relating thereto.

Penalties

20. (1) If a person—

- (a) without reasonable excuse, fails 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 under the provisions of this Ordinance to answer any question, refuses to answer or knowingly or recklessly gives a false answer to that question; or
- (e) wilfully omits to perform his duties under the provisions of this Ordinance;

he shall be guilty of an offence and liable on conviction to fine not exceeding level 4 on the uniform scale.

(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 level 5 on the uniform scale.

(3) A person shall be deemed to be a prescribed person for the purposes of any proceedings under this Ordinance unless he proves the contrary.

Repeal.

- 21. The Census Ordinance 1986(b), is hereby repealed.

Citation

- 22. This Ordinance may be cited as the Census Ordinance, 1990.

FIRST SCHEDULE

Sections 2 and 5

(1)
Premises, vessel or other
place in the Census Area

(2)
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, not usually resident in the dwelling or the part of the dwelling, who spends census night in the dwelling or the part of the dwelling;
 - (c) 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.

(1)
Premises, vessel or other
place in the Census Area

(2)
Persons

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 per-
sons in the premises are col-
lected, and who has not been
included as present in any other
return.

GROUP III

Any hospital, nursing home,
religious or charitable com-
munity, 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 per-
sons in the premises are col-
lected, and who has not been
included as present in any other
return.

(1)
Premises, vessel or other
place in the Census Area

(2)
Persons

GROUP IV

Any vessel, barracks, station or other premises, under naval, military or airforce 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 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 6 and 11

PARTICULARS TO BE STATED IN RETURNS

1. Full name.
2. Address.
3. Sex.
4. Date of birth.
5. Marital Status.
6. Relationship to householder.
7. Whereabouts on census night.
8. Usual address on census night and one year previously.
9. Date of arrival in the Census Area during the current period of residence and any periods of previous residence.
10. Country of birth.
11. Whether at school in Guernsey at age 14.
12. Method of travel to work/school.
13. Main activity during the week preceding census day.
14. Name and business of employer or, if self-employed, name and nature of business.
15. Details of occupation, including job title, kind of work done and hours worked per week.
16. Details of any private health insurance held.
17. Educational, professional and vocational qualifications held.
18. Whether the accommodation is owner-occupied or rented. If owner-occupied, whether it is owned outright or subject to a loan or mortgage and, if the latter, whether the loan is a States loan. If rented, whether it is rented from the States or a private landlord, furnished or unfurnished.

19. Whether the accommodation is inscribed on the Housing Register.
20. The type of accommodation occupied by the household and the number of rooms available for use by the household.
21. Whether the household has for its own/shared use a bath or shower and a flush toilet/W.C. and, in the latter case, whether inside or outside.
22. Details of central heating in accommodation.
23. The number of cars and vans normally available for use by members of the household.

K. H. TOUGH,
Her Majesty's Greffier