

Island of



Guernsey

Ordinance of the States

**XVII
1995**

Made	...	...	...	...	...	...	...	26th July, 1995.
Came into operation	...	...	...	...	...	...	...	26th July, 1995.

The Census Ordinance, 1995.

THE STATES, in pursuance of their Resolution of 9th February, 1994(a) and 26th July, 1995(b) hereby order:-

Interpretation.

1. (1) In this Ordinance, unless the context otherwise requires,

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

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

"census day" means 31st March, 1996;

"census night" means the period beginning at sunset on 31st March, 1996 and ending at sunrise on 1st April, 1996;

(a) on Article 20 of Billet d'État No. III of 1994.

(b) on Article 3 of Billet d'État No. XVII of 1995.

"the Committee" means the States of Guernsey Population and Migration Committee;

"documents" includes data held on computer files;

"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(1)(b);

"prescribed person" means a person required by section 5 to make a return in accordance with this Ordinance;

"return" means any form issued by the Chief Registrar under section 4 for the purpose of making a return under this Ordinance;

"visitor" means a person whose usual place of residence is outside the Census Area and who is visiting the Census Area for the purpose of a holiday of less than one month, or for the purpose of working or seeking work of a duration less than 10 days.

(2) Where a provision is referred to in this Ordinance by number and/or letter the reference is to the provision so identified in 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 this Ordinance with respect to all living persons specified in column (2) of Schedule 1.

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 to make returns.

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 Schedule 1 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 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 subsection (3) of this section every person specified in column (2) of Groups II or III in Schedule 1 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 person in charge of the premises or vessel concerned shall make a return with respect to that person, or in the case of an hotel, boarding house or lodging house may instead arrange for the return to be made by any relative or other person accompanying him;

- (b) if he is a person specified in column (2) of Group III, 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 Group II in column (1) of Schedule 1, the person for the time being in charge of the premises or vessel shall make a return on the form issued by the Chief Registrar in relation to the premises or vessel, and shall state in that return the particulars contained in section 6(3).

Particulars in returns.

6. (1) A return made under section 5(1) or 5(2) shall state with respect to each person the particulars specified in items 1 to 23 inclusive in Schedule 2: Provided that in the case of a person who belongs to a naval, military or air force, the return need not state the particulars specified in items 16 to 19 in that Schedule but shall state the service, and branch or arm of service, to which he belongs, and his rank or rating; and in the case of a visitor the return need only state the particulars specified in items 1 and 2 in that Schedule.

(2) A return made under section 5(1) 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 24 to 34 inclusive in Schedule 2.

(3) The following particulars shall be stated in a return made under section 5(3) in relation to any premises or vessel mentioned in column (1) of Group II in Schedule 1:-

- (a) in the case of premises, 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 a vessel, the names of all persons specified in column (2) of that Group, the number of usual residents, the

name of the vessel, and its position at midnight ending census day.

Division of Census Area.

7. The census supervisor shall divide the Census Area into enumeration districts.

Census supervisor, census officers and enumerators.

8. (1) 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 assigned to him by or under this Ordinance;
 - (b) the census supervisor, with the approval of the Committee, may appoint:
 - (i) census officers to assist him in the performance of his duties;
 - (ii) 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, before he acts 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 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 such particulars as he considers appropriate, and shall furnish every enumerator with an enumeration book and sufficient forms.

(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 census supervisor may require.

(3) Every enumerator shall, if so requested, give any reasonably necessary explanation to enable a prescribed person to make a proper return.

Information and delivery of return to enumerator.

10.(1) Every prescribed person shall give to the enumerator 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 15 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) A person wishing to make a confidential return ("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 person who otherwise would be required to make a return in respect of him; but if he 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 in that event issue a separate form of return and, if so requested, give any reasonably necessary explanation 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 23 inclusive in Schedule 2; 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 and applicable to him.

(5) The 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 section 11, 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 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 census supervisor 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 census supervisor; and
- (b) deliver to the census supervisor the enumeration book and all forms of return duly completed, and do such other things relating to the census enumeration in his district as may be required by the census supervisor under this Ordinance.

Duties of census supervisor.

14. The census supervisor shall examine the enumeration books and the returns 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 to ensure, by enquiry of any prescribed person or otherwise, the completion or correction of the book or return, within a specified period.

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

15. The Chief Registrar may give, or may authorise the census supervisor to give, instructions or directions, whether particular or general, 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.(1) If it appears to the Chief Registrar that the census supervisor is unfit to perform his duties under this Ordinance, he may with the approval of the Committee appoint a replacement to perform those duties.

(2) If it appears to the census supervisor that a census officer or enumerator is unfit to perform his duties under this Ordinance, he may with the approval of the Committee appoint a replacement to perform those duties.

Declaration on completion of duties.

17. The Chief Registrar may, require the census supervisor or a census officer or enumerator to make a declaration in writing that the declarant 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.

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 census supervisor 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.

Offences and penalties.

20.(1) If a person -

- (a) without reasonable excuse, fails to comply with, or acts in contravention of, this Ordinance; or
- (b) being a person required under 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 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 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 this Ordinance;

he shall be guilty of an offence and liable on conviction to a 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 is 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, 1990(c) is repealed.

Citation.

- 22. This Ordinance may be cited as the Census Ordinance, 1995.

SCHEDULE 1

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.

GROUP II

Any hotel, boarding-house,
hospital or nursing home
prison or other place of
detention;
any residential establish-
ment not mentioned else-
where in this Schedule;
and any vessel

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

GROUP III

Any other place not
included in the above
groups.

Every person spending
census night in any such
place.

SCHEDULE 2

Sections 6 and 11

PARTICULARS TO BE STATED IN RETURNS

1. Full name.
2. Whether a visitor.
3. Relationship to householder.
4. Whereabouts on census night.
5. Usual address.
6. Year when the person came to live at this address.
7. When the person last came to live in the census area.
8. Sex.
9. Date of birth.
10. Country of birth.
11. Marital status.
12. Residential status.
13. Academic qualifications.
14. Membership of professional institutions.
15. Whether at school in the census area on or near 15th birthday.
16. Activity last week.
17. Details of occupation, including job title and type of work done.
18. Name and business of employer or, if self-employed, name and nature of business.
19. Hours worked per week.
20. Whether employer pays for the person's health insurance.
21. Whether the person's health insurance is paid for by him or a member of his household.
22. Extent of the person's health insurance cover.

23. Whether the person has a long term disability which limits daily activities and work, and, if so, the extent to which different activities are restricted.
24. The type of accommodation occupied by the household.
25. The number of rooms available for use by the household.
26. Whether the accommodation is owner occupied or rented; if owner occupied, whether it is owned outright, or subject to a States or other loan; if rented, whether it is rented from the States or a private landlord, furnished or unfurnished.
27. Whether the accommodation is inscribed on the Housing Register.
28. Energy source for domestic hot water.
29. Whether the household has central heating.
30. Energy source for central heating,
31. Methods of water supply.
32. Whether the household has a working smoke alarm.
33. Number of cars and vans normally used more than once a week by members of the household.
34. Sewage arrangements.

K. H. TOUGH,
Her Majesty's Greffier.