

DRAFT CENSUS (JERSEY) REGULATIONS 200-

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STATES OF JERSEY

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Report

The essential function of the Census is to provide the best possible estimate of the residential population of Jersey and produce information that meets users' needs.

The development programme for Census 2001 has been built around four strategic aims -

- to ensure that the question content is appropriate to meet the essential requirements of the Island policy-makers;
- to deliver the required analysis to meet legal obligations and Island users' needs within stated quality standards and to a pre-defined timetable;
- to ensure that all aspects of the census data collection operation, and the dissemination of results, are acceptable to the States and comply with Data Protection legislation;
- to ensure that the census provides value for money.

The Census (Jersey) Regulations 2000 reflect that the methods and procedures intended for use in Census 2001 will achieve the set aims, and that the content and conduct of the Census will be acceptable to the public.

The planning and testing programme has focused on improving coverage and quality, reducing the burden upon the public, and improving the cost-effectiveness of the operation. As a result, some significant changes have been introduced into the plans for Census 2001. These include -

1. development of an Island-wide database and Geographical Information System to identify all dwellings within the Island;
2. use of the latest technology to advertise and promulgate the value of the Census to the Island;
3. a redesigned Census Form - which trials have proved easier for householders to complete;
4. the posting back of completed Census Forms by householders instead of collection by census staff;
5. use of modern technology to process data from the Census forms and make the results accessible to all.

The assessment of user requirements for Census 2001 has been supported by findings from major surveys which have taken place in Jersey and the United Kingdom. The main focus of the surveys was on the 1996 Census performance, and an opportunity was taken to look forward to Census 2001.

Consultation on user requirements has played a key role in shaping the Census. All States Departments and States members were invited to propose questions. Initial consultation considered the requirement for each topic against an agreed set of criteria in order to define questions for inclusion.

Another stage of consultation involved the production and assessment of business cases for each possible question. Some topics are so fundamental that without them a Census could not be taken and no case is required. These are -

- the count of the number of households; and
- the count of the number of people, classified by sex and age (through asking date of birth).

All other topics have been subject to a rigorous assessment and business cases have been produced both for the question and the categories to be included.

These cases considered -

- (a) whether the information was necessary to support policy and decision-making;
- (b) whether it was available from other sources;
- (c) whether the Census was the most appropriate vehicle for obtaining the information;

- (d) whether its inclusion would put the response at risk;
- (e) whether the information was required for legal purposes;
- (f) the impact on users if the information was not available from the Census.

The cases have been studied, approved and accepted by the Etat Civil Committee.

After deliberation and consultation with interested parties, a number of questions relevant in 1996 have been replaced by questions appropriate to current Island needs.

The Committee, mindful of repeating certain questions unnecessarily, negotiated with the various policy-makers to gain acceptance for their omission by exploring means by which information required could be gained from other sources.

Public Services agreed that statistical information on water supply and sewage disposal could be gained elsewhere, and that the Census could not provide the detailed information they wanted for reasons of confidentiality.

The number of smoke detectors, household appliances and household heating systems enabled action to be taken to improve safety and Island living standards. Further information to establish the effectiveness of the relevant policies have been gained through specific regular surveys.

Information related to personal health, such as the long-term illness question of 1996, has been omitted, as more detailed health care information is already to hand from Public Health Committee surveys.

An effective housing strategy is essential to the well-being of the Island, and appropriate policies need to be in place. The Committee has responded favourably to this controversial and emotional topic by accepting requests for information relating to accommodation. Housing, Policy and Resources, and Planning Departments all wish to establish the number of residents with or without residential qualifications, in order to project future housing requirements.

The Island is keen to keep abreast of information, communication and technological developments. It is believed that the electronic delivery of services will lead to improvements in efficiency and effectiveness. The home computing questions will give an indication of how ready the population is to respond to the challenge and enable communication strategies to be developed.

We as a Committee have responded to the political concerns being voiced about the numbers of people in Jersey of European Economic Area and non-European Economic Area origin.

Ethnic minority groups are known to suffer discrimination and disadvantage, in relation to employment, housing and education. An appropriate census question will enable data to be collected on these issues and be used for planning services and the distribution of social provision. It will also provide vital information in the efforts to tackle racial discrimination in the Island.

Human Rights now has a high international profile, and questions are often being asked from outside the Island as to the ethnic make-up of Jersey and the provisions available to cater for minority groups. Moreover the Island, through the United Kingdom, is a party to a number of International Treaties (e.g., ICCPR, ICESCR) which require statistical information in the five-yearly United Nations reports. At present, Jersey cannot fully comply with the requirement to provide such data. The Census question will provide reliable data that will establish the size and other characteristics of ethnic and cultural minority groups. This will replace the inaccurate guesswork that is being given at present.

Reliable accurate data related to ethnicity will assist the policy-makers in developing programmes to ensure racial harmony is maintained.

We intend to collect information about the languages spoken by residents for two reasons -

Firstly, the data collected will identify the linguistic make-up of the Island and offer indicators as to any possible changes that may be necessary to improve communication by States Departments, Parishes etc.

Secondly, it will help in the assessment of the extent of language skills in the Island to facilitate Jersey's participation in international affairs.

The Education and Employment Departments require information relating to skills, education qualifications and study patterns to assist them in implementing the Island Policy towards Lifelong Learning and development of the Island's skill base. The Committee has included a question that will not only fulfil this important need but also provide comparisons with the United Kingdom Census 2001 results and give the Island a relative performance indicator.

As Jersey is an Island with limited space, the policy-makers need to consider environmental issues. Traffic congestion and vehicle parking are threatening our quality of life. Appropriate questions relating to modes of transport and night parking have therefore been included to provide information that will assist towards developing an effective Island Transport Policy and Environmental Policy.

The Census (Jersey) Regulations 2000 offer opportunities to gain information from a supportive population, and data collected from the Census will give policy-makers the information necessary to improve facilities and services for all.

Ken Walker
Census Manager
19th September 2000

Explanatory Note

These Regulations direct that a census be taken for the Island on 11th March 2001 (*Regulation 2*).

Regulation 1 contains the interpretation provisions and *Regulation 3* and *Schedule 1* prescribe with respect to whom and by whom returns are to be made and for the use of forms determined by the Etat Civil Committee. *Regulation 4* and *Schedule 2* prescribe the particulars to be stated in the returns.

Regulation 5 provides for the appointment of a Census Officer, Assistant Census Officers and Census Supervisors and *Regulation 6* provides for the parishes to be divided into enumeration districts each with an enumerator. These officers are required, before they take up their duties, each to sign an undertaking that they will faithfully perform their duties (*Regulation 7*).

Regulation 8 covers the provision of census forms, etc. to enumerators and *Regulation 9* provides for delivery of the forms. Under *Regulation 10* a person who does not have to make a return on behalf of anybody else may elect to make a personal return instead if he meets certain conditions.

Regulation 11 requires the return of completed census forms and for the enumerator to check them and to deliver duplicate forms if necessary. His further duties are set out in *Regulation 12*. *Regulation 13* places duties on the Census Supervisor to check census forms and enumeration record books. Under *Regulation 14* the person responsible for completing the form has a duty to give required information to the enumerator and the persons in respect of whom he makes a return have to give him information. There is a ban on using, publishing or communicating information otherwise than in accordance with the Regulations.

Regulations 15-17 provide for the replacement of enumerators who become unfit, for the requiring of enumerators to make affidavits and for the safe custody of census forms and documents. *Regulation 18* provides the mode of citation of the Regulations and for them to come into force on the day following promulgation.

Census (Jersey) Law 1951

CENSUS (JERSEY) REGULATIONS 200-

(Promulgated on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, in pursuance of Article 2 of the Census (Jersey) Law 1951, as amended,^[1] have made the following Regulations -

PART 1

INTERPRETATION

1.-(1) In these Regulations, unless the context otherwise requires

“census” means the census directed to be taken by Regulation 2;

“census day” means 11th March 2001;

“census form” means the form issued by the Committee under Regulation 3;

“Census Officer”, “Assistant Census Officer” and “Census Supervisor” mean an officer appointed in accordance with Regulation 5(1), (2) or (3) respectively;

“electing person” means a person electing to make a personal return in accordance with Regulation 10;

“enumeration district” means an enumeration district referred to in Regulation 6(1);

“enumerator” means an officer appointed in accordance with Regulation 7(2);

“Law” means the Census (Jersey) Law 1951,^[2]

“Law and Regulations” means the Law, these Regulations and any other Regulations made under the Law;

“Housing Regulations” means the Housing (General Provisions) (Jersey) Regulations 1970,^[3]

“personal census form” means a census form to be completed by an electing person;

“personal return” means a return referred to in Regulation 10(1);

“prescribed person” means a person required to make a return in accordance with Regulation 3 and Schedule 1.

(2) A reference in these Regulations to a Regulation or Schedule by number only and without further identification is a reference to the Regulation or Schedule of that number in these Regulations.

(3) A reference in any Regulation or other division of these Regulations to a paragraph or sub-paragraph by number or letter only and without further identification, is a reference to the paragraph or sub-paragraph of that number or letter contained in the Regulation or other division of these Regulations.

(4) Unless the context otherwise requires, a reference in these Regulations to an enactment is a reference to that enactment as amended from time to time and includes a reference to that enactment as extended or applied under another

enactment, including another provision of these Regulation.

PART 2

PARTICULARS OF CENSUS

Direction that census be taken

2. A census shall be taken for the Island on the eleventh day of March 2001 with respect to all classes of persons mentioned in the first column of Schedule 1.

Persons with respect to whom and by whom returns are to be made and census forms

3.-(1) Subject to paragraph (2), the returns for the purpose of the census shall be made with respect to the classe of persons mentioned in the first column of Schedule 1 by the persons mentioned opposite each such class in the second column of that Schedule and shall be made on the form issued for that purpose by the Committee.

(2) Any person electing to make a personal return in accordance with Regulation 10 shall, subject to the provisions of that Regulation, be deemed to be the person by whom the return is to be made with respect to himself.

(3) The census form shall be of such specification as the Committee shall determine.

Particulars to be stated in returns

4.-(1) Subject to paragraphs (2) and (3) and to Regulation 10(4) and (5), the returns shall state in the case of al persons with respect to whom returns are to be made the particulars specified in Schedule 2.

(2) With respect to persons who are visitors intending to stay in the Island for less than one month and who are included in the first class of persons mentioned in the first column of Schedule 1, the returns shall state no particulars other than the names of those persons and the fact that they are visitors.

(3) With respect to persons who are visitors intending to stay in the Island for less than one month and who are included in the second class of persons mentioned in the first column of Schedule 1, the returns shall state no particulars other than the total number of such persons accommodated on the premises in respect of which the returns are made.

PART 3

TAKING OF CENSUS

Appointment of Census Officer and other officers

5.-(1) The Committee shall, for the purposes of taking the census, appoint a Census Officer who shall perform th duties imposed on him by the Law and Regulations.

(2) The Census Officer shall appoint as Assistant Census Officers such persons as he considers necessary to assist him to perform his duties.

(3) The Census Officer in consultation with the Connétable concerned shall appoint in each parish such number of Census Supervisors as are necessary to perform in the parish the duties of Census Supervisor specified in these Regulations.

Enumeration districts and appointment of enumerators

6.-(1) The Census Officer in consultation with each Connétable shall prepare a scheme for the division of eac parish into enumeration districts for the purpose of the census.

(2) The Census Officer in conjunction with each Connétable shall appoint, for each enumeration district within each parish, an officer who shall perform the duties of enumerator under the Law and Regulations in that district in accordance with the instructions of the Census Supervisor.

Undertakings by officers

7. Every person appointed under Regulation 5 and every enumerator shall, before he acts or performs any duties as such an appointee, sign an undertaking in a form approved by the Committee that he will faithfully perform his duties under the Law and Regulations.

Provision of returns for enumerators

8. The Census Officer shall, not later than 14 days before census day, provide every Census Supervisor with a sufficient number of enumeration record books, census forms and such other forms as may be necessary for the purpose of the census, for the enumerators appointed to act under his supervision.

Delivery of census forms

9.-(1) The enumerator shall, not earlier than eight days and not later than the day before census day, deliver census form to each prescribed person or person acting on his behalf in his district and on delivering such form shall enter thereon and in the enumeration record book such particulars as the Census Officer may require.

(2) The enumerator shall, if so requested by the prescribed person or person acting on his behalf, give such explanations as are reasonably necessary to enable the prescribed person to make a proper return.

(3) The enumerator shall make such enquiries as the Census Officer may require to ascertain particulars of any premises which are or appear to be vacant and shall enter the particulars so ascertained in the enumeration record book.

(4) The obligation on the enumerator under paragraph (1) to deliver a census form shall be satisfied if -

(a) he hands it to the prescribed person or person acting on his behalf; or

(b) where no such person is available, he leaves it at the dwelling or premises where persons are to be enumerated.

(5) In any proceedings for an offence under Article 4(1) of the Law,^[4] where the court is satisfied that the enumerator has discharged his obligation under paragraph (1) to deliver a census form, it shall be presumed that the prescribed person received the form, unless he proves to the contrary.

Personal returns

10.-(1) Any person who

(a) is aged 16 or over on census day; and

(b) is not a prescribed person by whom a return is to be made with respect to any other person,

may, if he complies with the following provisions of this Regulation, elect to make a personal return.

(2) An electing person or a person acting on his behalf shall -

(a) as soon as practicable -

(i) inform the prescribed person who would otherwise be responsible for making a return in respect of that electing person, of his election to make a personal return; and

(ii) sign the appropriate declaration on the census form to be completed by that prescribed person; and

(b) not later than two days after census day apply in person to the enumerator for the enumeration district in which he resides, to a Census Supervisor, to an Assistant Census Officer or to the Census Officer for a personal census form.

(3) On receipt of an application under this Regulation, the enumerator, Census Supervisor, Assistant Census Officer or Census Officer, as the case may be, shall give the electing person (or the person acting on his behalf) a personal census form, and shall, if so requested, give such explanations as are reasonably necessary to enable the electing person to make a proper return.

- (4) The electing person shall -
 - (a) enter on his personal census form the particulars required by Part 2 of the Second Schedule; and
 - (b) comply with any instructions contained in or delivered to him with that form so far as they are applicable to him.

(5) The prescribed person who would otherwise be required to make a return with respect to the electing person shall enter on his census form in respect of that person no particulars other than those required by paragraphs 1, 2 and 3 of Part 2 of the Second Schedule (and the particulars required by Part 1 of that Schedule with regard to the household as a whole).

Return of census forms

11.-(1) On the day after census day or as soon thereafter as is reasonably practicable

- (a) every prescribed person shall return the census form delivered to or for him in accordance with Regulation 9; and
- (b) every electing person shall return his personal census form,

duly completed in accordance with these Regulations, by posting the form in the pre-paid envelope supplied with it to the address specified on the form and envelope.

(2) The enumerator, with such assistance as he may require from any officer appointed under Regulation 5(2) or (3), shall -

- (a) check that all census forms have been returned as required by paragraph (1) by persons within his enumeration district; and
- (b) examine all such forms and make such enquiries as are reasonably necessary to satisfy himself that the entries thereon are properly and sufficiently made.

(3) Where a census form has not been returned or has gone astray, the enumerator for the enumeration district concerned shall deliver a duplicate census form to the person responsible for returning the original census form and that person shall deliver, duly completed, either the duplicate or the original form to the address specified on the form as soon as reasonably practicable after receiving the duplicate form.

Further duties of enumerators

12. The enumerator, with such assistance as he may require from any officer appointed under Regulation 5(2) or (3), shall carry out such other duties as the Census Officer may require in connection with the checking and coding of completed census forms relating to his district and, without prejudice to the generality of the foregoing, shall -

- (a) enter on those forms and in the enumeration record book such particulars as the Census Officer may require; and
- (b) within 14 days after census day, deliver the forms and the enumeration record book to the Census Supervisor for his enumeration district.

Further duties of Census Supervisor

13. The Census Supervisor shall examine the census forms and enumeration record books delivered to him and, if it appears to him that any form or book is incomplete or that any entry is insufficient or is inconsistent with other entries, he shall require the enumerator from whom it was received to take such steps as may be reasonably necessary, whether by inquiry from the person who made the return or otherwise, to complete the form or book and return it duly completed to him within a period specified by him for that purpose.

Giving of information

14.-(1) Every prescribed person and electing person shall give the enumerator such information as he ma

reasonably require for the performance of his duties under this Part, and every other person with respect to 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.

(2) No person shall use, publish or communicate to any other person any information given under the provisions of this Part otherwise than in accordance with these Regulations.

PART 4

MISCELLANEOUS

Replacement of enumerator

15. If it appears that an enumerator is, for reasons of health or otherwise, unfit to perform his duties under the Law and Regulations, the Census Officer may appoint a fit and proper person to perform such duties in the place of that enumerator.

Making of affidavit by enumerator

16. An enumerator shall, if so required by the Committee, make an affidavit that he has properly and sufficiently performed his duties under the Law and Regulations.

Safe custody of census forms and other documents

17. A person having the custody, whether on his own behalf or on behalf of any other person, of any census forms, enumeration record books or other documents containing confidential information relating to the census, shall keep such forms, books and other documents in such manner as to prevent any unauthorized person having access thereto.

Citation

18. These Regulations may be cited as the Census (Jersey) Regulations 200- and shall come into force on the day following promulgation.

SCHEDULE 1

(Regulation 3)

Persons with respect to whom returns are to be made

1. Persons present at midnight ending census day in a dwelling (including a caravan or other temporary dwelling), lodgings or rooms, separately occupied by any private household of which they are members, guests (including paying guests or boarders), or employees, including persons who are visitors intending to stay in the Island for less than one month.

2. Persons present at midnight ending census day on premises registered under the Tourism (Jersey) Law 1948 or the Lodging Houses (Registration) (Jersey) Law 1962, including persons who are visitors intending to stay in the Island for less than one month.

3. Persons present at midnight ending census day on the premises of any hospital, nursing home, religious or charitable community, residential school or college, prison or other place of detention, or any residential premises whatsoever not being premises mentioned elsewhere in this Schedule.

4. Persons, not having been enumerated elsewhere for the purpose of the census, who arrive at any of the places or premises above-mentioned after midnight ending census day and before the returns in respect of persons present on or in such premises or places are required to be delivered up.

5. Persons who, not having been enumerated elsewhere for the purpose of the census, are usually resident at any of the places above-mentioned.

Persons by whom returns are to be made

1. The head or joint heads or person for the time being acting as the head of the household or, where there is no head, or there are no heads or there is no acting head of that household, a member of that household aged 16 years or over or, where such household consists of one person, that person. (Responsibility for ensuring that the appropriate returns are made by persons living in accommodation provided by an employer shall rest with the employer).

2. The manager or other person for the time being in charge of the premises.

3. The chief resident officer or other person for the time being in charge of the premises.

4. The person specified above as the person by whom the returns are to be made with respect to the persons present at midnight ending census day on or in any of the premises or places above-mentioned.

5. The person specified above as the person by whom the returns are to be made with respect to the persons present at midnight ending census day on or in any of the premises or places above-mentioned.

6. Persons not included among any of the classes or persons above-mentioned.

6. The person with respect to whom the return is to be made.

SCHEDULE 2

(Regulation 4)

PARTICULARS TO BE STATED IN RETURNS

PART 1

Questions relating to the household to which the return relates

1. The type of accommodation occupied by the household.
2. The cooking, washing and toilet facilities within the accommodation for the exclusive use of the household.
3. The number of rooms occupied by the household (excluding bathrooms, toilets, halls, landings and any other rooms of such size as to be suitable for storage purposes only).
4. The home computing facilities available to the household.
5. The number of motor vehicles available to the household and where each of those vehicles is kept at night.

PART 2

Personal questions

Questions for all persons:

1. Full name.
2. The category of consent (if any) under Regulation 1(1) of the Housing Regulations pursuant to which the head of the household is lawfully entitled to occupy the accommodation.
3. Relationship of that person to the head of the household or if unrelated the basis on which he resides in that accommodation.
4. Whether that person was at midnight ending census day present at the usual place of residence, absent but elsewhere in the Island or absent from the Island.
5. Gender.
6. Date of birth.
7. Place of birth.
8. When that person's present period of continuous residence in the Island began (ignoring temporary absences from the Island).
9. Cultural and ethnic background.
10. Languages spoken.

Questions for persons aged 16 and over:

11. Marital status.
12. Whether and if so pursuant to which category of consent under Regulation 1(1) of the Housing Regulations that person would be entitled to occupy accommodation in the Island.

13. Educational qualifications.
14. Professional qualifications.
15. The programmes of study, if any, presently being undertaken by that person towards any educational or professional qualifications.
16. Whether that person was (or would be but for holidays, sickness or any other temporary absence) during the week preceding census day -
 - (a) engaged in remunerative work as an employed person for more than 25 hours;
 - (b) engaged in remunerative work as an employed person for 25 hours or less;
 - (c) engaged in remunerative work as a self-employed person and if so whether or not employing others;
 - (d) unemployed and seeking remunerative work;
 - (e) in education for more than 25 hours (excluding training provided by an employer);
 - (f) unable to work due to long-term sickness or disability;
 - (g) wholly retired from remunerative work;
 - (h) looking after the home or family; or
 - (i) otherwise occupied, and if so, how occupied.
17. In respect of any person engaged at some time in remunerative work -
 - (a) the title of his main occupation;
 - (b) the number of hours per week he usually works or worked;
 - (c) whether his employment is or was on a permanent, seasonal or other basis;
 - (d) a description of the work performed in this occupation; and
 - (e) the name of his employer and the nature of the employer's business.
18. Mode of transport used by that person to travel to work.

[1] Recueil des Lois, Tome VIII, page 4.

[2] Recueil des Lois, Tome VIII, page 3 and Volume 1986-1987, page 63.

[3] Nos. 5444, 5981, 6284, 6651, 7572, 8170, 8592, 8866, 8919 and 9446.

[4] Recueil des Lois, Tome VIII, page 5 and Volume 1986-1987, page 63.