

# STATES OF JERSEY



## DRAFT CENSUS (JERSEY) REGULATIONS 201-

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Lodged au Greffe on 30th July 2010  
by the Chief Minister

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STATES GREFFE





Jersey

## DRAFT CENSUS (JERSEY) REGULATIONS 201-

### REPORT

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#### Background

The next Census of the population will be held in Jersey on 27th March 2011.

Article 2 of the Census (Jersey) Law 1951 specifies that the States of Jersey has –

**“Power to make Regulations directing the taking of a census and prescribing procedure in relation thereto”.**

Article 2(2) of the Law states that –

“Any such Regulations may be repealed, amended or varied by subsequent Regulations.”.

The States of Jersey (Transfer of Functions No. 3) (Home Affairs to Chief Minister) (Jersey) Regulations 2010 (R&O.28/2010) were adopted by the States Assembly on 23rd March 2010 and came into force on 24th March 2010, whereby responsibility for the Jersey Census was transferred from the Minister for Home Affairs to the Chief Minister. Subsequently, the Chief Minister appointed the Head Statistician of the States of Jersey Statistics Unit as Census Officer for the 2011 Census.

In order to progress the Census Regulations for debate by the States Assembly, since the appointment of the Head Statistician as Census Officer, the Statistics Unit has since been developing the methodology of the census process and content of the census form. Two workshops for States Members relating to form content were held in March 2010; meetings with officers of States Departments were held throughout the period April to June 2010.

Following the guidelines contained within the Census (Jersey) Law 1951, the Census Regulations for the 2011 Jersey Census specify –

- of whom the Census will be conducted;
- the imposition of obligations on census officers and on persons in respect of whom the census is taken; and
- the contents of the Census form; and
- the process by which the Census will be conducted.

### **Financial, manpower and human rights implications**

The budget for the 2011 Jersey Census is £500,000.

Up to 200 temporary short-term staff will be employed to undertake the 2011 Census. These will be comprised largely of enumerators (field-workers) employed for a period of approximately 2 months. There will also be specialised enumerators, whose focus will be to ensure a high return rate, and data coding and data entry staff employed for a period of several months.

The Census Regulations are compatible with the Human Rights (Jersey) Law 2000.

## Explanatory Note

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These Regulations direct that a census shall be taken on Sunday, 27th March 2011 (the “census day”) and impose obligations on census officers and on persons in respect of whom the census is taken, in order to ensure that the census is complete and accurate.

By virtue of Article 4 of the Census (Jersey) Law 1951 (the “principal Law”), any contravention of a requirement in the Regulations, or the giving of false information in answer to a question asked pursuant to the Regulations, is an offence. Currently the penalty for the offence is a fine of up to £500. However, the Census (Amendment No. 3) (Jersey) Law 201- (P.81/2010), if adopted, would increase the maximum penalty that may be imposed to one half of level 3 on the standard scale – that is, £1,000. At the time these Regulations are lodged, P.81/2010 is scheduled for debate on 13th September 2010.

*Regulation 1* is the interpretation provision. The census is a snapshot of persons in Jersey or resident in Jersey but absent, at midnight at the end of the census day. “Midnight” is defined accordingly.

*Regulation 2* directs that the census shall be taken and specifies the persons with respect to whom a census return must be made, being all persons in Jersey at midnight and all persons who usually reside in Jersey but are absent at midnight, whether on business, on vacation, at school or for any other similar reason.

*Regulation 3* requires the Principal Census Officer to arrange for census forms to be printed. Three forms will be used –

- a household census form, for use to provide particulars about a household, such as property type and tenure and also about the individuals who are members of the household;
- a communal census form, for use to provide particulars about a communal establishment, such as type of establishment, number of occupants and so on;
- an individual census form, for use by an individual resident in a communal establishment, by any member of a household who elects to complete a separate form and by any other person resident in Jersey.

*Regulation 4* prohibits any person deliberately defacing, obliterating any marking on, or otherwise damaging a census form.

*Regulation 5* explains the requirement to complete a census form. One household census form is completed for each household and any member of the household who elects to complete a separate form must complete an individual census form. For a communal establishment, a single communal census form is completed plus an individual census form for each resident. An individual census form is completed for any person resident in Jersey who doesn’t fall within the arrangements for a household or communal establishment.

*Regulation 6* enables a member of a household to elect to complete his or her own individual census form, instead of having his or her particulars included in the household census form. The election should be made no later than the Friday before the census day, but flexibility is retained to allow an election made after that day to be

accepted. The person, in addition to completing his or her own form, must sign a declaration in the household form to confirm that he or she is completing a separate form.

*Regulations 7 and 8* explain who must complete a census form. A sole householder completes his or her own household census form. The household census form for a household of 2 or more persons is completed by one of the members of the household who rents or owns the accommodation or is liable to pay utility bills for it. The communal census form is completed by the person who is manager of the establishment. An individual census form is completed by the person to whom it relates. If the person who must complete a census form is a minor (for example, where a minor resides in a communal establishment such as a children's home), the form must be completed by a person having parental responsibility for the minor. If a person is unable to complete the form through illness or incapacity, the form must be completed by his or her curator (if any) or may be completed by anyone on his or her behalf. In addition, any person may ask another person to complete a form on his or her behalf but, in this case, the responsibility for completion of the form remains with the first person.

*Regulation 9* requires any person completing a census form to do so, to the best of his or her knowledge and belief, fully and accurately. The form must be completed by the end of the day after the census day, or as soon as possible after that. Household forms must then be posted, without delay, using a prepaid envelope that will be supplied. Residents in a communal establishment must hand their individual census forms to the establishment's manager. Census forms for a communal establishment will either be collected by a census officer or must be posted.

*Regulation 10* is concerned with a person whose particulars must be included in a census form. That person must co-operate by providing the person completing the form with the information necessary to complete the form. A person whose particulars must be entered in a census form must also co-operate with a census officer in the verification of information in the form or in the addition of information to a partially completed form.

*Regulation 11* gives effect to Schedule 1, which summarizes the information to be contained in a census form.

*Regulation 12* gives effect to Schedule 2, in which arrangements for taking the census are explained.

*Regulation 13* provides for the appointment of census officers. Every census officer must sign a declaration acknowledging the duties imposed on him or her by these Regulations and the principal Law.

*Regulation 14* requires any person having custody of a census form or other census-related document to keep it safe and only release it to a person authorized to have access to it. Access to completed census forms and associated records is limited to census officers and persons authorized by the Principal Census Officer. Apart from census officers, the persons likely to be authorized to have access to information are persons responsible for the maintenance of any server on which the census information is located. Each such person must sign a declaration acknowledging the duty imposed. Authorized persons are restricted from publishing or communicating the information to which they have access, unless authorized to do so by the Chief Minister. Census officers are subject to such a restriction by virtue of Article 4(2)(a) of the principal Law, set out below. The information in census forms must be used

only for the purposes of the census report and other statistical reports and analyses. A report prepared using the information must be produced in aggregate form.

Further liability for misuse of information is created by Article 4(2) of the principal Law. Article 4(2) is in the following terms –

“(2) If any person –

(a) being a person employed in taking a census, without the authority of the Minister, publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by the person in the course of his or her employment; or

(b) having possession of any information which to his or her knowledge has been disclosed in contravention of this Law, publishes or communicates that information to any other person,

the person shall be liable to imprisonment for a term not exceeding 2 years or a fine, or to both such imprisonment and such fine.”

If P.81/2010 is adopted, the maximum penalty shall be restated in accordance with current style (which has regard to Article 13 of the Interpretation (Jersey) Law 1954, as amended in 2003) but not changed. It will be noted that the maximum penalty for a contravention of Article 4(2) of the principal Law is greater than the maximum penalty for a contravention of these Regulations.

*Regulation 15* provides for the citation and commencement of the Regulations.

*Schedule 1* summarizes the particulars to be contained in a census form. The persons to be recorded in respect of a household or communal establishment are –

- persons who are resident there, whether or not actually present at midnight;
- persons who are not resident there, but are present at midnight, and who will be either visitors to Jersey or local visitors.

A visitor to Jersey is someone who is been in Jersey for less than a month and does not intend to be in Jersey for more than a month.

If a person whose usual address is in Jersey happens to be at a different address in Jersey at midnight, the person is recorded as a local visitor to the address in which the person is present at midnight, as well as being recorded as resident at his or her usual address.

For a visitor to Jersey or local visitor, only a name and usual address is required to be given.

The information to be given for a resident in the household census form for his or her usual address or, if the person’s usual address is a communal establishment, in his or her individual census form, is more detailed, and is listed in paragraph 6 of Schedule 1.

*Schedule 2* explains the arrangements for distribution of census forms and, where appropriate, their collection.







Jersey

## DRAFT CENSUS (JERSEY) REGULATIONS 201-

### Arrangement

#### Regulation

1	Interpretation .....	11
2	Taking of census.....	12
3	Census forms .....	12
4	Census form must not be marked or damaged .....	12
5	Premises and persons for which census forms must be completed .....	12
6	Option of individual in household to complete separate form .....	13
7	Person required to complete census form.....	13
8	Completion of census form by another person.....	13
9	Duty of person completing census form.....	14
10	Duty of other persons to co-operate in completion of census form .....	14
11	Contents of census form.....	14
12	Procedures for taking of census .....	15
13	Census officers .....	15
14	Custody of documents and use of information.....	15
15	Citation and commencement .....	16

#### SCHEDULE 1 17

CONTENTS OF CENSUS FORM		17
1	Interpretation of Schedule 1 .....	17
2	Categorization of person as resident or visitor to Jersey .....	17
3	Usual address of resident.....	17
4	Local visitors .....	18
5	Information to be entered in census form.....	18
6	Particulars to be provided for a resident.....	19

#### SCHEDULE 2 20

PROCEDURE FOR TAKING CENSUS		20
1	Principal Census Officer to provide forms and documents.....	20
2	Distribution of census forms to households .....	20
3	Distribution of census forms to communal establishments.....	21
4	Collection of census forms from communal establishments.....	21

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5	Duty of census officer to keep records.....	21
6	Returns of information.....	21



Jersey

## DRAFT CENSUS (JERSEY) REGULATIONS 201-

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 2 of the Census (Jersey) Law 1951<sup>1</sup>, have made the following Regulations –

### 1 Interpretation

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

“census day” means the day fixed by Regulation 2(1) for taking the census;

“census form”, “household census form”, “communal census form” and “individual census form” shall be construed in accordance Regulation 3;

“census officer” means a person appointed as such under Regulation 13;

“communal establishment” means –

- (a) any hospital;
  - (b) any home or other institution providing care and accommodation for children;
  - (c) any nursing, care or residential home;
  - (d) any hotel or campsite; or
  - (e) any prison or other place of detention,
- or any like institution or establishment providing accommodation;

“household” means –

- (a) one person living alone; or
- (b) 2 or more persons living at the same address, who share living accommodation and cooking facilities,

and “member of the household” shall be construed accordingly;

“midnight” means midnight at the end of the census day;

“Principal Census Officer” means the principal person employed in the taking of the census, appointed by the Minister for the purpose;

“report on the census” means the report required by Article 3(2) of the Census (Jersey) Law 1951<sup>2</sup>.

- (2) For the purposes of these Regulations, “accommodation” includes accommodation comprised in –
- (a) a boat, mobile home or other structure that is not fixed; or
  - (b) any temporary structure, including a tent.

## **2 Taking of census**

- (1) A census shall be taken for Jersey on Sunday, 27th March 2011 of –
- (a) persons in Jersey; and
  - (b) persons resident in Jersey, but absent,
- at midnight at the end of that day.
- (2) For the purposes of paragraph (1)(b), a person is resident in Jersey but absent if the person’s usual address is in Jersey but, at midnight, the person is away from Jersey by reason of –
- (a) absence on business;
  - (b) absence on military service;
  - (c) absence for medical treatment;
  - (d) absence, for no longer than one year, on vacation that the person does not expect to exceed one year;
  - (e) being a pupil at a boarding-school outside Jersey; or
  - (f) attendance at university or other tertiary education outside Jersey, or any like reason.

## **3 Census forms**

The Principal Census Officer shall cause 3 census forms to be printed and issued for the purpose of the taking of the census, being –

- (a) a household census form;
- (b) a communal census form; and
- (c) an individual census form.

## **4 Census form must not be marked or damaged**

A person must not deliberately deface, obliterate any marking on, or otherwise damage, a census form.

## **5 Premises and persons for which census forms must be completed**

- (1) A household census form must be completed for each household.
- (2) A communal census form must be completed for each communal establishment.

- (3) An individual census form must be completed –
  - (a) for each person resident in a communal establishment;
  - (b) for each member of a household who, under Regulation 6, has elected to complete such a form; and
  - (c) for each person in Jersey who does not fall within subparagraph (a) or (b) and is not a visitor to Jersey, within the meaning of paragraph 2(2) of Schedule 1.

## **6 Option of individual in household to complete separate form**

- (1) A member of a household who is aged 16 or more may elect to complete an individual census form.
- (2) The election must be in writing and delivered to the Principal Census Officer, or given to a census officer, on or before Friday, 25th March 2011.
- (3) The Principal Census Officer, or a census officer acting in accordance with directions given by the Principal Census Officer, may accept an election made after Friday, 25th March 2011.
- (4) A person who has elected to complete an individual census form must, in addition to completing that form, complete a declaration, in the household census form for the household of which he or she is a member, that he or she has elected to complete an individual census form.

## **7 Person required to complete census form**

- (1) In the case of a household that is one person living alone, the household census form must be completed by that person.
- (2) In the case of any other household, the household census form must be completed by a person who usually lives at the address and who –
  - (a) rents or owns accommodation at the address; or
  - (b) is liable to pay utility bills there.
- (3) A communal census form shall be completed by the person who, at midnight, is the manager in charge of the communal establishment to which the form relates.
- (4) An individual census form shall be completed by the person to whom it relates.

## **8 Completion of census form by another person**

- (1) Notwithstanding Regulation 7, where a person required to complete a census form is a minor, the form must be completed by a person having parental responsibility for the minor.
- (2) Notwithstanding Regulation 7, where a person required to complete a census form is unable to do so by reason of illness or incapacity, the form must be completed by the person's curator or, if the person does not have a curator, may be completed by any person on his or her behalf.

- (3) Notwithstanding Regulation 7, a person required to complete a census form may request another person to complete it on his or her behalf.
- (4) A person required to complete a census form who requests another person to complete it on his or her behalf remains responsible for ensuring the completion of the form and its return in accordance with these Regulations.

## **9 Duty of person completing census form**

- (1) A person required to complete a census form must ensure that it is completed before the end of the day after the census day or as soon as is reasonably practicable after that.
- (2) A person completing a census form must do so, to the best of his or her knowledge and belief, fully and accurately.
- (3) A person who has completed a household census form must, without delay, seal the completed form in the reply-paid envelope provided for the purpose and place it in the post.
- (4) A person who has completed an individual census form must, without delay –
  - (a) if the person is a member of a household, seal the completed form in the reply-paid envelope provided for the purpose and place it in the post;
  - (b) if the person is a resident in a communal establishment, deliver the completed form to the manager of the establishment; or
  - (c) in any other case, give the completed form to a census officer.
- (5) A person who has completed a communal census form must collect the completed individual census forms delivered in accordance with paragraph (4)(b) and, without delay, either –
  - (a) arrange with a census officer for the collection of the completed communal census form and the completed individual census forms by the census officer; or
  - (b) post them to the Principal Census Officer.

## **10 Duty of other persons to co-operate in completion of census form**

- (1) A person whose particulars must be entered in a census form must give the person completing the form such information as that person reasonably requires in order to complete the form fully and accurately.
- (2) A person whose particulars must be entered in a census form must give a census officer such information as the census officer reasonably requires in order to verify information entered in a census form or complete a census form.

## **11 Contents of census form**

Schedule 1 has effect to specify –

- (a) the persons whose particulars are to be entered in a census form;
- (b) how those persons are to be categorized for the purposes of the census;
- (c) the descriptions of particulars to be entered in respect of persons of different categories.

## **12 Procedures for taking of census**

Schedule 2 has effect to specify the procedures for the taking of the census.

## **13 Census officers**

- (1) The Principal Census Officer shall appoint persons to be employed in the taking of the census (“census officers”).
- (2) A census officer shall –
  - (a) as directed by the Principal Census Officer, assist the Principal Census Officer in the discharge of his or her functions in the taking of and preparation of a report upon, the census; and
  - (b) discharge such of the duties imposed on census officers by these Regulations (where applicable, in respect of such area or district) as the Principal Census Officer directs.
- (3) A census officer shall sign a declaration, in a form approved by the Minister, acknowledging the duties imposed on him or her by the Census (Jersey) Law 1951 and pursuant to these Regulations and the consequences of a contravention of any of them.

## **14 Custody of documents and use of information**

- (1) A person having custody, whether on his or her own behalf or on behalf of another person, of any census forms or other documents and records used in connection with the census shall keep them in such manner as to prevent any unauthorized person having access to them.
- (2) Only the Principal Census Officer, census officers and persons authorized by the Principal Census Officer shall have access to returned census forms and to documents and records used in connection with the taking of the census.
- (3) The Principal Census Officer shall only authorize a person for the purposes of paragraph (2) if the person has signed a declaration, in a form approved by the Minister, acknowledging the duty imposed by paragraph (4) and the consequences of a contravention of that duty.
- (4) A person authorized for the purposes of paragraph (2) must not, without the authority of the Minister, publish or communicate to any person, the information contained in the forms, documents or records to which he or she has access.
- (5) Information collected in the taking of the census shall be used only for the purposes of the preparation of the report on the census and, with the

authority of the Minister, the compilation of other statistical reports and analyses.

- (6) A report or analysis referred to in paragraph (5) shall only be published in aggregate form, with the purpose that a particular person or organization may not be identified from it.

## **15 Citation and commencement**

These Regulations may be cited as the Census (Jersey) Regulations 201- and shall come into force 7 days after they are made.



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**SCHEDULE 1**

(Regulation 11)

**CONTENTS OF CENSUS FORM****1 Interpretation of Schedule 1**

In this Schedule –

“resident” means a person who is a resident by virtue of paragraph 2(3) or (4);

“visitor to Jersey” means a person who is a visitor by virtue of paragraph 2(2);

“local visitor” has the meaning given in paragraph 4.

**2 Categorization of person as resident or visitor to Jersey**

- (1) Persons shall be categorized, for the purposes of the taking of the census, as –
  - (a) residents; or
  - (b) visitors to Jersey.
- (2) A visitor to Jersey is a person who is in Jersey at midnight and –
  - (a) has been in Jersey for a continuous period of less than one month; and
  - (b) does not intend to be in Jersey for a continuous period of more than one month.
- (3) A person who is in Jersey at midnight and who is not a visitor to Jersey is a resident.
- (4) A person described in Regulation 2(2) is also a resident, but absent.

**3 Usual address of resident**

- (1) Subject to the following provisions of this paragraph, the usual address of a resident is, for the purposes of the taking of the census, the household or communal establishment in Jersey at which the person usually resides.
- (2) The usual address of a resident who, at midnight –
  - (a) is residing in a communal establishment;
  - (b) has resided there for less than 6 months;
  - (c) expects to reside there for less than 6 months; and
  - (d) previously resided in a household or another communal establishment in Jersey,

is, for the purposes of the taking of the census, the household or communal establishment that was his or her usual address in Jersey before he or she entered the first-mentioned communal establishment.

- (3) The usual address of a resident who is a minor and who, by reason of arrangements for his or her shared custody, resides in more than one household in Jersey is, for the purposes of the taking of the census, the household in which he or she spends the majority of his or her time.
- (4) Where a minor described in sub-paragraph (3) divides his or her time equally between the households, the usual address of the minor is, for the purposes of the taking of the census, the household in which he or she is present at midnight.

#### **4 Local visitors**

A resident who, at midnight, is present in a household or communal establishment that is not his or her usual address is, for the purposes of the taking of the census, both –

- (a) a resident at his or her usual address; and
- (b) a local visitor to the household or establishment in which he or she is present at midnight.

#### **5 Information to be entered in census form**

- (1) The following information must be entered in a household census form for a household –
  - (a) property tenure;
  - (b) property type;
  - (c) number of bedrooms;
  - (d) number of cars, vans, motorcycles;
  - (e) for each resident whose usual address is the household (whether or not present, but excluding a person who has made an election under Regulation 6), the particulars in paragraph 6;
  - (f) the name and usual address of each visitor to Jersey present in the household;
  - (g) the name and usual address of each local visitor present in the household.
- (2) The following information must be entered in a communal census form for a communal establishment –
  - (a) the type of establishment;
  - (b) the name of manager;
  - (c) a list of the names of residents whose usual address is establishment (whether or not present);
  - (d) the name and usual address of each visitor to Jersey present in the establishment;

- (e) the name and usual address of each local visitor present in the establishment.
- (3) The particulars in paragraph 6 must be entered in an individual census form in respect of the person to whom the form relates.

**6 Particulars to be provided for a resident**

- (1) The particulars to be entered in a census form for a resident are the person's –
  - (a) full name;
  - (b) gender;
  - (c) usual address;
  - (d) date of birth;
  - (e) country of birth;
  - (f) present period of continuous residence in Jersey;
  - (g) cultural and ethnic background;
  - (h) whether present in or absent from the household or communal establishment which is the person's usual address; and
  - (i) if the person is a member of a household, his or her relationship to the main householder.
- (2) If the resident is aged 16 or more, the following particulars must also be entered in the form –
  - (a) marital status;
  - (b) residential qualifications;
  - (c) educational qualifications; and
  - (d) employment status.
- (3) If the resident is aged 16 or more and employed, the following particulars must also be entered in the form –
  - (a) title and description of main employment;
  - (b) hours worked per week;
  - (c) name and address (including postcode) of place of work;
  - (d) type of work (permanent or seasonal); and
  - (e) mode of travel to work.

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**SCHEDULE 2**

(Regulation 12)

**PROCEDURE FOR TAKING CENSUS****1 Principal Census Officer to provide forms and documents**

The Principal Census Officer shall provide each census officer with such census forms, documents and information as the census officer requires to discharge his or her duties under these Regulations.

**2 Distribution of census forms to households**

- (1) A census officer directed by the Principal Census Officer to distribute census forms to households in a specified district shall discharge, in respect of that district, the duties imposed on a census officer by this paragraph.
- (2) The Principal Census Officer shall provide the census officer with a list of addresses of households in the district (a "listed household").
- (3) The census officer shall deliver to each listed household information regarding the taking of the census.
- (4) If the census officer finds a household that is not listed, the census officer shall add the household to the list.
- (5) The census officer shall then visit each listed household and hand the census form for the household to the main householder or, if that person is not available, to a member of the household who the census officer believes to be aged 16 or more.
- (6) If the census officer is unable, when visiting a listed household pursuant to sub-paragraph (5), to hand over the census form to any adult member of the household, the census officer shall repeat the visit on at least one occasion.
- (7) A member of a household to whom a household census form is given must, as soon as is reasonably practicable, give it to the main householder.
- (8) A member of a household to whom an individual census form is given for completion by another member of the household must, as soon as is reasonably practicable, give it to that person.
- (9) If, having visited a listed household on 2 or more occasions, the census officer has not been able to hand over the census form to any adult member of the household, the census officer may leave the form at the household.
- (10) Where a member of a household elects to complete an individual census form, the census form for completion by that person shall be posted to

him or her by the Principal Census Officer or handed over by the census officer who visits the household in accordance with this paragraph.

- (11) The actions required of a census officer by this paragraph must be completed within such periods as the Principal Census Officer directs.

### **3 Distribution of census forms to communal establishments**

- (1) A census officer directed by the Principal Census Officer to distribute census forms to communal establishments in a specified district shall discharge, in respect of that district, the duties imposed on a census officer by this paragraph.
- (2) The Principal Census Officer shall provide the census officer with a list of addresses of communal establishments in the district (a “listed establishment”).
- (3) The census officer shall visit each listed establishment and deliver to a manager the communal census form and so many individual census forms as are required for the purpose of the taking of the census in the establishment.
- (4) The census officer shall arrange with the manager for the census officer to collect the forms or instruct the manager to send the forms to the Principal Census Officer by post.
- (5) The actions required of a census officer by this paragraph must be completed within such periods as the Principal Census Officer directs.

### **4 Collection of census forms from communal establishments**

- (1) A census officer directed by the Principal Census Officer to collect census forms from communal establishments in a specified district shall discharge, in respect of that district, the duties imposed on a census officer by this paragraph.
- (2) The census officer shall, as soon as is practicable following the day after the census day, collect census forms from communal establishments in the district whose managers have indicated that they wish to have them collected.

### **5 Duty of census officer to keep records**

A census officer must keep a record, in the manner directed by the Principal Census Officer, in writing, of each visit to a household or communal establishment that he or she carries out in accordance with this Schedule, and its outcome.

### **6 Returns of information**

A census officer must, as directed by the Principal Census Officer, deliver to the Principal Census Officer all forms, records and other documents connected with the taking of the census that are in the census officer’s possession.

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<sup>1</sup> *chapter 15.040*  
<sup>2</sup> *chapter 15.040*