



Our Ref: MFC/2160

House of Commons
London, SW1A 0AA

1 May 2019

(To all MPs)

INTRODUCTION OF THE CENSUS (RETURN PARTICULARS AND REMOVAL OF PENALTIES) BILL

Dear Colleagues,

I am writing to inform you the Census (Return Particulars and Removal of Penalties) Bill (the Bill) had its first reading in the House of Lords today.

The main purpose of the Bill is to amend the Census Act 1920 to remove the penalty for not responding to new census questions on sexual orientation and gender identity, and add sexual orientation and gender identity to the Schedule of that Act. This means the 2021 Census in England and Wales, which will be delivered by the UK Statistics Authority (UKSA), can include questions on sexual orientation and gender identity that can be answered on a voluntary basis. The Scottish Government is taking a similar approach, by legislating in the Scottish Parliament to make questions on these subjects voluntary too.

By introducing this legislation, the Government is delivering on the proposals set out in December 2018 by the White Paper "*Help Shape our Future: The 2021 Census of Population and Housing in England and Wales*", (the 'White Paper'). The paper was published after significant consultation and set out the UKSA's recommendations that these new questions be included in the 2021 Census, to help decision-makers monitor their services and provision, and address other user needs. It also recommended nobody should have to disclose their sexual orientation or gender identity if they do not want to.

As I am sure colleagues are aware, people are liable to be criminally fined for refusing or neglecting to comply with a census. In order to make these new questions voluntary the Bill therefore removes the penalty for not responding to any census questions concerning sexual or gender identity the Census Act 1920, and adds sexual orientation and gender identity to the Schedule of that Act. This reflects the precedent set by the Census (Amendment) Act 2000, which provided for a question on religious affiliation to be added to the 2001 Census in England and Wales on a voluntary basis.

The Bill also makes identical changes to Northern Ireland legislation by amending the Census Act (Northern Ireland) 1969. This ensures there is a consistent statutory basis across the UK for asking such voluntary questions, should Northern Ireland wish to include these questions in the Northern Ireland Census.

The census provides an opportunity, once every ten years, to build a detailed and comprehensive picture of the nation. The twenty-second national census is due to be carried out in March 2021, and that will be provided for by secondary legislation in the normal way.

The Bill before Parliament is distinct from that process; it simply ensures that in delivering on the White Paper's proposals the UKSA can arrange to include these new questions in the Census on a voluntary basis.

I therefore hope that colleagues will join me in supporting this legislation. My office can be contacted on pschloesmith@cabinetoffice.gov.uk should any colleague wish to discuss the Bill as it progresses in the House of Lords.

Best wishes,

A handwritten signature in black ink, appearing to read 'Kevin Foster', with a long horizontal flourish extending to the right.

KEVIN FOSTER MP
MINISTER FOR THE CONSTITUTION