



House of Commons  
London, SW1A 0AA

3 July 2019

Dear Colleagues,

## **THE CENSUS (RETURN PARTICULARS AND REMOVAL OF PENALTIES) BILL**

I am writing to inform you the Census (Return Particulars and Removal of Penalties) Bill (the Bill) has been brought from the House of Lords, and has had its first reading in the House of Commons on 26 June.

This Bill amends the Census Act 1920 to remove the penalty for not responding to new census questions on sexual orientation and gender identity. This means the 2021 Census in England and Wales, which will be delivered by the Office for National Statistics (ONS), the executive office of the UK Statistics Authority (UKSA), can include questions on sexual orientation and gender identity that can be answered on a voluntary basis.

The Bill delivers on the proposals set out in December 2018 White Paper "*Help Shape our Future: The 2021 Census of Population and Housing in England and Wales*", (the 'White Paper'). The White Paper was published after significant consultation and set out the ONS'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 answer a census question (except for questions concerning religion). By removing the penalty in the Census Act 1920 for not responding to any census questions concerning sexual orientation or gender identity, these questions can be asked in future censuses on a voluntary basis. This reflects the precedent set by the Census (Amendment) Act 2000, which provided for a voluntary question on religion to be added to future censuses in England and Wales.

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 Scottish Parliament has recently passed similar legislation for the census in Scotland.

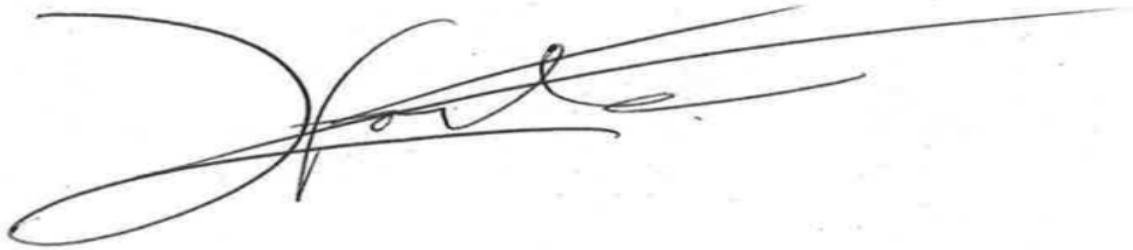
The Bill passed through the House of Lords without amendment. Points were raised during debates about the need to be clear on the front of the census form that certain questions are voluntary, and for the questions and guidance to be easily understood by everyone who will be completing the census. The ONS is committed to ensuring this is the case in England and Wales.

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. For England and Wales, this will begin with an Order in Council later this year setting out the questions to be included in the census, followed by Regulations including the final census form. I know a number of colleagues have already raised points to consider with the Cabinet Office about the secondary legislation, and I will be happy to discuss these, and any other points on the 2021 Census, with colleagues in the autumn.

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

I hope that colleagues will join me in supporting this legislation. An opportunity to discuss its provisions is open to all colleagues on 8 July, 14:45 - 15:30, in Committee Room 17, and my office can be contacted on [pschloesmith@cabinetoffice.gov.uk](mailto:pschloesmith@cabinetoffice.gov.uk) should any colleague wish to discuss the Bill.

**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**