

SJR(2)-02-07(p.2) Annex A

Legislative Process and Proposed Transfer of Functions The Registrar General for England and Wales is responsible for conducting a Census of Population in England and Wales.

The current legislative process and parliamentary timetable for England and Wales is as follows:

(a) **Census White Paper:** The Census White Paper is the vehicle through which the UK Government formally announces proposals for the Census. It is presented to Parliament and can be debated. It is expected that the White Paper will be laid before the Westminster Parliament in Autumn 2008. It is currently envisaged that there will be separate White Papers for the Census in Scotland and Northern Ireland. No decision has yet been taken on whether there will continue to be a single England & Wales White Paper or separate White Papers.

(b) **Census Order:** The Census Order is laid before Parliament for 40 days and approved by both Houses of Parliament before it can be made by Her Majesty in Council after it has been approved by both Houses of Parliament. This sets out the date on which the Census shall be taken, the areas to be covered by the Census, the persons required to complete the returns and the particulars to be stated in returns. It is currently planned for the Draft Census Order to be laid before Parliament in Autumn 2009 and to be made in Council in Spring 2010.

(c) **Census Regulations:** Immediately after the Census Order, the Chancellor makes the Census Regulations; these set out the arrangements for conducting the Census – appointing enumerators, delivering forms and returns, roles and responsibilities of Census enumerators and their managers, and a facsimile copy of the Census questionnaire. The current aim is to lay the Regulations in Spring 2010.

The proposed transfer of functions would provide the NAW:

(a) a right in law to be consulted on the making of the Draft Census Order;

(b) the power to make regulations for administering the Census in Wales.

The transfer of functions will give the National Assembly for Wales the final say on the content of the Census in Wales as well as in the way it is conducted. However, while the Regulations set out the detailed specification for the Census, these are constrained by the Census Order which will not (nor can it, under existing legislation) be made by the Assembly. Moreover, the Office for National Statistics (ONS) have, in the end, to carry out the Census in Wales as well as England and cannot, in practice, adopt a completely different approach in Wales.

The Financial Secretary to the Treasury and the Assembly Minister for Finance agreed to the principles of a funding agreement in July 2006. Essentially that ONS will pay for:

The Census in Wales where the arrangements are the same as for England in respect of:

Content and Questions

Enumeration Procedures

Data Processing and Release

Questions and procedures that are different in Wales but which have traditionally been funded by ONS (requirements which ONS are required to meet under its Welsh Language Scheme) such as:

Including a question on Welsh language

The provision of a Welsh language census form

Enumeration procedures in Wales including the appointment of Welsh speaking field staff at levels which are in line with the Welsh language scheme and which will at least match those adopted in the 2001 Census.

Marginal differences to the questionnaire in Wales that arise from the Census consultation process e. g. the inclusion of a different question (of a similar format, for example tick-box) in Wales as a replacement for a question asked in England, where the demand for the topic in Wales arises from the ONS decision process on Census topics.

The Assembly will pay for differences in Wales over and above those identified above (for example: a question or changes in the enumeration procedures that the Assembly may want in Wales but which would not be included in England, and which would not otherwise be accommodated).