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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Census (Amendment) (Scotland) Bill: Stage 1



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) any—
 - (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
 - (ii) [deleted]
 - (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
- (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
- (c) general questions relating to powers to make subordinate legislation;
- (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
- (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;
- (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;
- (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
- (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.
- (i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Alison Harris
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Introduction

1. At its meeting on 30 October 2018, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Census (Amendment) (Scotland) Bill ("the Bill").ⁱ The Scottish Government issued a Delegated Powers Memorandum ("DPM").ⁱⁱ
2. The Committee submits this report to the lead Committee for the Bill (the Culture, Tourism, Europe and External Affairs Committee) under Rule 9.6.2 of Standing Orders.
3. The Scottish Government Bill was introduced by the Cabinet Secretary for Culture, Tourism and External Affairs, Fiona Hyslop MSP, on 2 October 2018.

ⁱ The Bill as introduced is available [here](#).

ⁱⁱ The Delegated Powers Memorandum is available [here](#).

Overview of the Bill

4. The Bill is a short Government Bill comprising 3 sections.
5. Section 1 of the Bill adds “gender identity” and “sexual orientation” to the list of matters about which questions may be asked in a census.
6. Section 1 also ensures that answering questions about sexual orientation and certain aspects of gender identity will be voluntary, rather than compulsory.
7. Sections 2 and 3 concern commencement and short title.

Delegated Powers Provisions

8. The Committee considered the one delegated power in the Bill and determined that it did not need to draw it to the attention of the Parliament:

Section 1(3) – particulars about gender identity and sexual orientation may be gathered in census (new section 8(1A) of the 1920 Act)

Recommendation

9. **The Committee therefore reports that it is content with the delegated powers provision contained in the Bill.**

