Section 18.

THIRD SCHEDULE.

Enactments repealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Vict. c. 94. -	The Foreign Jurisdiction Act, 1843.	The whole Act.
20 & 21 Vict. c. 75. -	An Act to confirm an Order in Council concerning the exercise of jurisdiction in matters arising within the kingdom of Siam.	The whole Act.
28 & 29 Vict. c. 116.	The Foreign Jurisdiction Act Amendment Act, 1865.	The whole Act.
29 & 30 Vict. c. 87. -	The Foreign Jurisdiction Act Amendment Act, 1866.	The whole Act.
33 & 34 Vict. c. 55. -	The Siam and Straits Settlements Jurisdiction Act, 1870.	The whole Act.
38 & 39 Vict. c. 85. -	The Foreign Jurisdiction Act, 1875.	The whole Act.
39 & 40 Vict. c. 46. -	An Act for more effectually punishing offences against the laws relating to the slave trade.	Sections four and six.
41 & 42 Vict. c. 67. -	The Foreign Jurisdiction Act, 1878.	The whole Act.

CHAPTER 38.

An Act for taking the Census of Scotland.

[14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Census to be taken in 1891.

1. A census for Scotland shall be taken in the year one thousand eight hundred and ninety-one, and the census day shall be Sunday the fifth day of April in that year.

Secretary for Scotland to superintend census.

2. The Secretary for Scotland shall have the care of superintending the taking of the census of Scotland, and shall cause to be prepared and printed, for the use of the persons to be employed in taking it, such forms and instructions as he shall deem necessary, and the Registrar General for Scotland shall issue all such forms and instructions to the persons for whose use they shall be intended; and all the expenses which shall be incurred by authority of the Secretary for Scotland, with the consent of the Treasury, under this Act, shall be paid out of money provided by Parliament.

Copy of Act to be sent to every sheriff and the

3. The Registrar General for Scotland shall send a printed copy of this Act to the sheriff of every county in Scotland, and to the

chief magistrate of the burghs of Edinburgh, Glasgow, Dundee, Aberdeen, Greenock, Paisley, Leith, and Perth. chief magistrate of Edinburgh, &c.

4. Every registrar's district in Scotland shall be formed into enumerators divisions according to instructions to be prepared by or under the direction of the Secretary for Scotland, who shall cause a sufficient number of copies of such instructions to be sent to every registrar of births, deaths, and marriages in Scotland; and the registrars, with all convenient speed, shall divide the several districts into enumerators divisions according to such instructions, and subject in each case to be revised by the sheriff of the county or the chief magistrate of the burgh, being one of the burghs mentioned in the third section hereof, as the case may be. Registrars districts to be formed into enumerators divisions.

5. Every registrar of births, deaths, and marriages in Scotland shall make and return, in the case of the burghs mentioned in the third section hereof to the chief magistrate of the burgh, and in the case of every other burgh and of every county to the sheriff of the county, a list containing the names and places of abode of a sufficient number of persons, duly qualified according to instructions to be prepared by or under the direction of the Secretary for Scotland, to act as enumerators within his district, and such persons, when approved of by the sheriff or chief magistrate, shall be appointed by the registrar, by any writing under his hand, enumerators for taking the census; and the registrar, with the like approval, shall assign a division to each enumerator, and shall distribute to the several enumerators in his district the forms and instructions which shall have been issued for that purpose by the Registrar General for Scotland, and shall personally ascertain that each enumerator thoroughly understands the manner in which the duties required of him are to be performed. Enumerators to be appointed.

6.—(1.) Schedules shall be prepared by or under the direction of the Secretary for Scotland for the purpose of being filled up by or on behalf of the several occupiers in dwelling-houses as herein-after provided, with the following particulars, and no others, namely particulars showing the name, sex, age, profession, or occupation, condition as to marriage, relation to head of family, and birthplace, of every living person who abode in every house on the night of the census day, and showing also whether any such person was blind, or deaf and dumb, or imbecile or lunatic, and whether any such person speaks Gaelic only, or both Gaelic and English. Preparation and filling up of schedules.

(2.) Every registrar in Scotland shall in the course of the week ending on the Saturday next before the census day leave or cause to be left at every dwelling-house within his district one or more of the said schedules for the occupier or occupiers thereof or of any part thereof, and upon every such schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling-house (or where such dwelling-house is let in different stories or apartments, and occupied distinctly by different persons or families, by the occupier of each such distinct story or apartment), and that the enumerator will collect all such schedules within his division on the Monday then next following.

(3.) Every occupier of any dwelling-house, or of any distinct story or apartment in any dwelling-house, with or for whom any such schedule shall have been left as aforesaid, shall fill up the said schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house, story, or apartment occupied by him or her, and shall sign his or her name thereto, and shall deliver the schedule so filled up, or cause the same to be delivered, to the enumerator when required so to do.

(4.) If any such occupier wilfully refuses or without lawful excuse neglects to fill up the said schedule to the best of his or her knowledge and belief, or to sign and deliver the same as herein required, or who wilfully makes, signs, or delivers, or causes to be made, signed, or delivered, any false return of all or any of the matters specified in the said schedule, he or she shall forfeit a sum not exceeding five pounds.

(5.) In this section the expression "dwelling-house" shall include every building and tenement of which the whole or any part is used for the purpose of human habitation.

Collection and correction of schedules.

7. The enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their division from house to house, so far as may be possible, on the day next following the census day, and shall complete such of the schedules as upon delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the schedules, when completed and corrected, into books to be provided for that purpose, and shall add thereunto an account, according to the best information which they are able to obtain, of all the other persons living within their division who are not included in the schedules collected by them.

Particulars as to houses, parishes, school board districts, and delivery of book to registrar.

8. Every enumerator shall also take an account of the occupied houses, and of the houses then building and therefore uninhabited, and also of all other uninhabited houses within his division, stating the number of rooms, including the kitchen, if any, as a room, having a window or windows, not being windows with a borrowed light, in each dwelling-house, and shall also take an account of all the particulars herein-before mentioned, and none other, according to the forms and instructions which may be issued under this Act; and in the book into which he shall have copied the householders schedules and other particulars, as herein-before directed, each enumerator shall distinguish the several parishes and school board districts within his division, or such parts thereof as shall be within his division, and shall also distinguish those parishes or parts of parishes within his division which are within the limits of any city or burgh returning or contributing to return a member or members to serve in Parliament, or any royal burgh or any place in which either of the General Police and Improvement Acts, thirteenth and fourteenth Victoria, chapter thirty-three, or twenty-fifth and twenty-sixth Victoria, chapter one hundred and one, has been adopted, or which are within any area prescribed in that behalf in his instructions, and shall deliver such book to the registrar of the district, together with the householders schedules collected by him, and shall sign a form or declaration to the effect

that the said book has been truly and faithfully filled up by him, and that to the best of his knowledge the same is correct, which form of declaration shall be prepared by or under the direction of the Secretary for Scotland, and issued by the Registrar General for Scotland with the forms and instructions aforesaid.

Registrars to verify the enumerators books.

9. The registrar to whom such enumerators books are delivered shall examine the same, and shall satisfy himself that the instructions in each case have been punctually fulfilled, and if they have not shall cause any defect or inaccuracy in the said books to be supplied so far as may be possible; and when the books have been made as accurate as is possible the registrar shall deliver them to the sheriff of the county or the chief magistrate of the burgh, being one of the burghs mentioned in the third section hereof, as the case may be, as herein-after provided, and thereafter shall transmit the householders schedules to the Registrar General for Scotland.

Returns to be given to sheriffs of counties and chief magistrates of Edinburgh, &c.

10. The sheriff of every county and the chief magistrate of each of the burghs mentioned in the third section hereof shall appoint a time or times, which shall not be earlier than seven nor later than twenty-one days after the census day, for the registrars of districts within their respective jurisdictions to attend at such places as they may appoint, with the books filled up under this Act, of which times and places intimation shall be given to the registrars in such manner as shall be directed by the sheriffs and chief magistrates respectively, who shall then and there receive from the registrars the said books, and cause every registrar to make a declaration to the effect that to the best of his knowledge the same are correct; and the sheriffs and chief magistrates, if they see cause, may examine the registrars touching any of the matters to which the books relate, and shall cause any inaccuracies which they shall discover in such books to be corrected so far as may be possible, and shall thereafter direct the sheriff clerk of the county or the town clerk of the burgh, being one of the burghs mentioned in the third section hereof, as the case may be, to indorse the same (if not previously indorsed) with the name of the county wherein the parish or place therein mentioned is situate, or otherwise (where any of the said sheriffs shall think proper) they shall direct the registrar to verify the said books before any justice of the peace of their respective counties, and thereafter to transmit the same previously to the expiration of the said period of twenty-one days in any convenient manner to the said sheriffs, who shall direct the same to be indorsed as aforesaid.

Sheriffs of counties and chief magistrates of Edinburgh, &c. to receive returns and transmit them to Registrar General.

11. The sheriffs of counties and the chief magistrates of each of the burghs mentioned in the third section hereof shall, on or before the expiration of one month after the census day, or such other time as may be fixed by the Registrar General for Scotland, transmit all the books by them received from the registrars (together with a list of the parishes and places, including the burghs not mentioned in the third section hereof, within their respective counties and burghs, being burghs mentioned in the said section, from whence no returns have been made to them,) to the

office of the Registrar General for Scotland for the use of the Secretary for Scotland.

Abstract of returns to be printed and laid before Parliament.

12. The Secretary for Scotland shall cause an abstract to be made of the said returns; and such abstract shall be printed, and laid before both Houses of Parliament within five months next after the census day if Parliament be then sitting, or if Parliament be not then sitting, then within the first fourteen days of the session then next ensuing.

Governors, &c. of gaols, &c. to be enumerators of the inmates thereof.

13. The governor, master, or keeper of every gaol, prison, or house of correction, poorhouse, hospital, or lunatic asylum, and of every public or charitable institution, which may be determined upon by the said Registrar General, shall be the enumerator of the inmates thereof, and shall be bound to conform to such instructions as shall be sent to him by the authority of the Secretary for Scotland for obtaining the returns required by this Act, so far as may be practicable, with respect to such inmates.

Inspectors of poor, &c. to act as enumerators.

14. The inspectors and assistant inspectors of poor in every parish or combination in Scotland shall be bound to act as enumerators under this Act within their respective parishes and combinations, if required so to act by the authority of the Secretary for Scotland, and when they shall so act shall be entitled to allowances as enumerators under the provisions of this Act; and every such inspector or assistant inspector of poor who shall refuse or wilfully neglect so to act and duly to perform the duties required of the said enumerators by this Act, shall for every such offence forfeit a sum not exceeding ten pounds.

Returns of houseless poor and of persons travelling or on shipboard.

15. The Secretary for Scotland shall obtain, by such ways and means as shall appear to him best adapted for the purpose, returns of the particulars required by this Act with respect to all houseless persons, and all persons who during the night of the census day were travelling or on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators and other persons as aforesaid, and shall include such returns in the abstract to be made by him as aforesaid.

Table of allowances to enumerators and other persons employed.

16. The Secretary for Scotland shall cause to be prepared a table of allowances to be made to the several enumerators, registrars, sheriff clerks, town clerks of burghs mentioned in the third section hereof, and other persons in Scotland employed in the execution of this Act; and such table, when approved by the Treasury, shall be laid before both Houses of Parliament on or before the first day of March next preceding the census day, if Parliament be then sitting, or if Parliament be not then sitting, then within the first fourteen days of the session then next ensuing.

Payments to be certified to the Registrar General.

17. The sheriff of every county and the chief magistrate of each of the burghs mentioned in the third section hereof shall, within one month next after the census day, certify to the Registrar General for Scotland the total amount of the allowances to which the registrars, enumerators, sheriff clerks, town clerks of the said burghs, and other persons are respectively entitled according to the said table.

Payment of persons employed in execution of Act.

18. The sheriffs of counties and the chief magistrates of the burghs mentioned in the third section hereof shall grant to the sheriff clerks and town clerks of the said burghs respectively, and the several registrars, enumerators, or other persons employed in the execution of this Act, such allowances as shall have been certified as herein-before provided, together with any necessary expenses incurred by them or any of them in the execution of this Act, and shall order payment thereof to be made by the Queen's and Lord Treasurer's Remembrancer out of the moneys provided by Parliament for that purpose, and he shall pay the same accordingly; and the receipts to be given by the registrars, enumerators, and other persons for payment of their said allowances shall be delivered to the sheriff clerk or such town clerk, as the case may be, who shall transmit the same, together with the receipt for his own allowance, to the Registrar General for Scotland: Provided always, that no such payment shall be made to any enumerator or other person who shall be required to act as an enumerator under this Act, but upon production of a certificate under the hand of the registrar that the duties required of such enumerator or other person acting as enumerator by this Act have been faithfully performed, and the like certificate shall be required under the hand of the sheriff or such chief magistrate, as the case may be, with respect to the registrar, before any payment shall be made to him.

Penalty for wilful default.

19. Every registrar, and every enumerator and other person who shall be required to act as enumerator, so appointed as aforesaid, making wilful default in any of the matters required of them respectively by this Act, or making any wilfully false declaration, shall for every such wilful default or false declaration forfeit a sum not exceeding five pounds.

Penalty for refusing information or giving false answers.

20. The enumerators and other persons employed in the execution of this Act shall be authorised to ask all such questions as shall be directed in any instructions to be prepared by or under the direction of the Secretary for Scotland which shall be necessary for obtaining the returns required by this Act; and every person refusing to answer or wilfully giving a false answer to such questions or any of them shall for every such refusal or wilfully false answer forfeit a sum not exceeding five pounds.

Recovery and application of penalties.

21. Any offence against the provisions of this Act may be prosecuted, and any fine or penalty imposed by this Act may be recovered before the sheriff under the provisions of the Summary Jurisdiction Acts, and every such fine or penalty shall be paid, one half to the informer, and the other half to the Queen's and Lord Treasurer's Remembrancer on behalf of Her Majesty.

Short title.

22. This Act may be cited as the Census (Scotland) Act, 1890.