

The Welsh Government's Legislative Consent Memorandum on the Census (Return Particulars and Removal of Penalties) Bill

June 2019

Background

The Bill

Overview

1. The Census (Return Particulars and Removal of Penalties) Bill received its first reading in the House of Lords on 1 May 2019 and is sponsored by the Cabinet Office.
2. The explanatory notes to the Bill state that:

“The Census (Return Particulars and Removal of Penalties) Bill provides for voluntary questions on sexual orientation and gender identity to be asked in the England and Wales and Northern Ireland censuses. It does this by removing the criminal penalty for not responding to questions on these matters. It also clarifies the existing law that such questions may be asked. In the case of England and Wales only, this will lead to any such questions being subject to the draft negative Parliamentary procedure in future Census Orders.”¹

¹ [Census \(Return Particulars and Removal of Penalties\) Bill: Explanatory Notes](#), May 2019



The Welsh Government's Legislative Consent Memorandum

- 3.** In accordance with Standing Orders 29.1 and 29.2, a Legislative Consent Memorandum (LCM) is required because provisions within the Bill modify or fall within the Assembly's legislative competence.
- 4.** On 15 May 2019, the Minister for Finance and Trefnydd laid before the Assembly an LCM in respect of the Bill.²
- 5.** On 21 May 2019, the Business Committee referred the LCM to this Committee, and the Equality, Local Government and Communities Committee for consideration. The Business Committee set a reporting deadline of 27 June 2019.³
- 6.** Paragraphs seven to nine of the LCM set out the Welsh Government's assessment of which provisions in the Bill require consent, namely Section 1 and Section 3.⁴
- 7.** Paragraphs 10 to 17 of the LCM set out the Welsh Government's reasons why including provision for Wales in the Bill is appropriate.⁵

Committee consideration

- 8.** We considered the Welsh Government's LCM in respect of the Bill at our meeting on 10 June 2019.⁶

Our view

- 9.** We welcome the fact that the Bill provides for voluntary questions on sexual orientation and gender identity to be included in future censuses. We believe it is an important step forward, and we are supportive of this policy.

² Welsh Government, Legislative Consent Memorandum, Census (Return Particulars and Removal of Penalties) Bill, May 2019

³ Business Committee, Timetable for consideration of the Legislative Consent Memorandum on the Census (Return Particulars and Removal of Penalties) Bill, May 2019

⁴ Welsh Government, Legislative Consent Memorandum, Census (Return Particulars and Removal of Penalties) Bill, May 2019

⁵ Welsh Government, Legislative Consent Memorandum, Census (Return Particulars and Removal of Penalties) Bill, May 2019

⁶ Constitutional and Legislative Affairs Committee, 10 June 2019

10. We note the Welsh Government's reasons as to why, in its view, making provision for Wales in the Bill is appropriate, and are content.