

Currently Working from Home

Reply issued by e-mail: [REDACTED]

OR:202100249433

19 November 2021

Dear Dr Kath Murray, Lisa Mackenzie, and Lucy Hunter Blackburn,

Thank you for your email of 2 November, further to our previous correspondence in relation to Scotland's census legislation and the guidance in respect of the sex question.

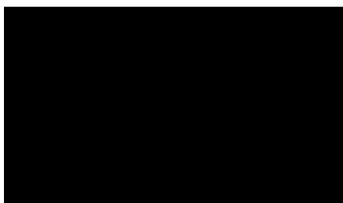
Your letter asks for clarification regarding the process by which census questions and their accompanying guidance are approved.

The particulars to be sought and the text of the questions for the 2022 Census were scrutinised by the Scottish Parliament during its consideration of the Census (Scotland) Order 2020 and the Census (Scotland) Regulations 2020. The issuing of guidance in respect of each census is a matter for the Registrar General to determine, subject to the power of the Scottish Ministers to direct the Registrar General as to the carrying out of that function.

The then-Cabinet Secretary for Economy, Fair Work and Culture [wrote](#) to the Culture, Tourism, Europe and External Affairs Committee on 26 February 2020, during its scrutiny of the draft Census (Scotland) Order 2020 and before the Census (Scotland) Regulations were laid, to confirm that the Registrar General intended to issue guidance to the effect that the census sex question would allow for a self-identification basis of response, for the small number of respondents who require guidance. Our [Sex Question Recommendation Report](#), published in December 2019, contains some information about how guidance was accessed in testing.

Your letter goes on to ask about the legal basis for proceeding with Scotland's Census 2022. As I noted in my previous letter, there is no intention to introduce further legislation in relation to the 2022 Census, and all relevant legislation is now in force.

Yours sincerely,



Head of Census & Statistical Policy