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Committee Stage: Monday 24 October 2022

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# Identity and Language (Northern Ireland) Bill [HL]

## (Amendment Paper)

This document lists all amendments tabled to the Identity and Language (Northern Ireland) Bill [HL]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: 15 to 35

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**Colum Eastwood**

6

Claire Hanna  
Stephen Farry

☆ Clause 1, page 1, line 14, leave out from “that” to “identities” in line 16 and insert “respects the rights of others”

### Member's explanatory statement

This amendment would replace the principle taking account of the sensitivities of those with different national and cultural identities with a principle of respecting the rights of others.

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**Peter Kyle**

15

Tonia Antoniazzi

★ Clause 1, page 2, line 5, after “means” insert “the Northern Ireland Office, the Northern Ireland Human Rights Commission and”

### Member's explanatory statement

This amendment would include the Northern Ireland Office and the Northern Ireland Human Rights Commission in the definition of public authority within the bill.

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**Colum Eastwood**

7

Claire Hanna  
Stephen Farry

☆ Clause 1, page 2, line 13, at end insert—

““rights of others ” means Convention rights within the meaning of the Human Rights Act 1998 and other international human rights standards.”

**Member's explanatory statement**

This amendment defines rights of others in reference to Convention rights and other international human rights standards.

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**Sir Jeffrey M Donaldson**

28

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 1, page 3, line 32 at end insert—

“(5A) The Office must comply with any directions (of a general or specific nature) given by the First Minister and deputy First Minister acting jointly as to the exercise of the Commissioner’s functions.”

**Member's explanatory statement**

This amendment is intended to ensure the bodies established by the provisions of the Bill remain accountable to guidance issued by the First and deputy First Ministers acting jointly in respect of the exercise of their functions.

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**Sir Jeffrey M Donaldson**

31

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 1, page 3, line 32, at end insert—

“(5) The First Minister and deputy First Minister acting jointly must annually assess and report on the costs arising from the operation of the Office in line with the duties prescribed in Section 10(4).”

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**Sir Jeffrey M Donaldson** 21

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley Jim Shannon

★ Clause 1, page 3, line 33, leave out subsection 78I

**Member's explanatory statement**

This amendment reflects that it is inappropriate to confer power on another body to operationalise the Government's obligation to establish to the Castlereagh Foundation.

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**Colum Eastwood** 8

Claire Hanna  
Stephen Farry

☆ Clause 2, page 4, line 22, leave out "have due regard to" and insert "comply with"

**Member's explanatory statement**

This amendment would amend the duty on public authorities to one of compliance with best practice Irish language standards from one of due regard.

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**Sir Jeffrey M Donaldson** 27

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley Jim Shannon

★ Clause 2, page 5, line 18 at end insert—

"(4A) The Commissioner must comply with any directions (of a general or specific nature) given by the First Minister and deputy First Minister acting jointly as to the exercise of the Commissioner's functions."

**Member's explanatory statement**

This amendment is intended to ensure the bodies established by the provisions of the Bill remain accountable to guidance issued by the First and deputy First Ministers acting jointly in respect of the exercise of their functions.

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**Sir Jeffrey M Donaldson**

23

Sammy Wilson  
 Mr Gregory Campbell  
 Carla Lockhart  
 Paul Girvan  
 Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 2, page 5, line 20, at end insert—

“(6) The Commissioner must exercise its functions under this Part in a manner that is reasonable, proportionate and practical, and which serves to promote mutual respect, good relations, understanding and reconciliation.”

**Member's explanatory statement**

This amendment reflects the stated intent under paragraphs 5.10 and 5.17 of the New Decade New Approach agreement for each Commissioner established under the Bill to exercise his or her functions in a way that is reasonable, proportionate, practical and conducive to mutual respect.

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**Sir Jeffrey M Donaldson**

32

Sammy Wilson  
 Mr Gregory Campbell  
 Carla Lockhart  
 Paul Girvan  
 Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 2, page 5, line 20, at end insert—

“(6) The First Minister and deputy First Minister acting jointly must annually assess and report on the costs arising from the role of the Commissioner in terms of—

- (a) the operation of the Commissioner's Office,
- (b) the engagement and compliance of public authorities with the Commissioner, and
- (c) any other costs.”

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**Colum Eastwood**

9

Claire Hanna

☆ Clause 2, page 5, line 28, leave out subsection (2)

**Member's explanatory statement**

This amendment would remove the requirement that best practice Irish language standards produced by the Irish Language Commissioner be subject to the approval of the First and deputy First Ministers.

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**Colum Eastwood** 10  
Claire Hanna

☆ Clause 2, page 5, line 31, leave out “approved under subsection (2)” and insert “prepared under subsection (1)”

**Member's explanatory statement**

This amendment is consequential on Amendment 9.

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**Sir Jeffrey M Donaldson** 24  
Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson  
Ian Paisley Jim Shannon

★ Clause 2, page 5, line 37, at end insert—

“(c) ensure requirements placed on public authorities are reasonable, proportionate and practical.”

**Member's explanatory statement**

This amendment reflects the stated intent under paragraphs 5.10 and 5.17 of the New Decade New Approach agreement for each Commissioner established under the Bill to exercise his or her functions in a way that is reasonable, proportionate, practical and conducive to mutual respect.

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**Colum Eastwood** 11  
Claire Hanna  
Stephen Farry

☆ Clause 2, page 6, line 20, leave out “have due regard to” and insert “comply with”

**Member's explanatory statement**

This amendment would amend the duty on public authorities to one of compliance with best practice Irish language standards from one of due regard.

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**Peter Kyle** 16  
Tonia Antoniazzi

★ Clause 2, page 7, line 27, after “means” insert “the Northern Ireland Office, the Northern Ireland Human Rights Commission and”

**Member's explanatory statement**

This amendment would include the Northern Ireland Office and the Northern Ireland Human Rights Commission in the definition of public authority within the bill.

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**Colum Eastwood**

12

Claire Hanna  
Stephen Farry

- ☆ Clause 2, page 7, line 29, after “(N.I.)” insert “and any public authority under the Cabinet Office that provides public services in Northern Ireland”

**Member's explanatory statement**

This amendment would ensure key UK wide services are included.

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**Sir Jeffrey M Donaldson**

29

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley

Jim Shannon

- ★ Clause 3, page 8, line 27, leave out “arts and literature” and insert “heritage and culture”

**Member's explanatory statement**

This amendment would revise and expand the functions of the Commissioner for the Ulster Scots and Ulster British traditions provided in the Bill. The Commissioner would be responsible for developing the language, culture and heritage associated with these traditions, reflecting the body of established work and existing human rights law.

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**Sir Jeffrey M Donaldson**

30

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley

Jim Shannon

- ★ Clause 3, page 9, line 6, leave out from “subsection (3)” to “literature” and insert “so far as affecting Ulster Scots”

**Member's explanatory statement**

This amendment restores the language used to address this commitment in the New Decade, New Approach agreement. The new wording is taken from the New Decade, New Approach agreement.

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**Sir Jeffrey M Donaldson**

25

Sammy Wilson

Mr Gregory Campbell

Carla Lockhart

Paul Girvan

Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 3, page 9, line 25, at end insert—

“(5A) The Commissioner must exercise its functions under this Part in a manner that is reasonable, proportionate and practical, and which serves to promote mutual respect, good relations, understanding and reconciliation.”

**Member's explanatory statement**

This amendment reflects the stated intent under paragraphs 5.10 and 5.17 of the New Decade New Approach agreement for each Commissioner established under the Bill to exercise his or her functions in a way that is reasonable, proportionate, practical and conducive to mutual respect.

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**Sir Jeffrey M Donaldson**

26

Sammy Wilson

Mr Gregory Campbell

Carla Lockhart

Paul Girvan

Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 3, page 9, line 25 at end insert—

“(5A) The Commissioner must comply with any directions (of a general or specific nature) given by the First Minister and deputy First Minister acting jointly as to the exercise of the Commissioner’s functions.”

**Member's explanatory statement**

This amendment is intended to ensure the bodies established by the provisions of the Bill remain accountable to guidance issued by the First and deputy First Ministers acting jointly in respect of the exercise of their functions.

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**Sir Jeffrey M Donaldson**

1

Sammy Wilson

Mr Gregory Campbell

Carla Lockhart

Ian Paisley

Jim Shannon

Gavin Robinson

Paul Girvan

Clause 3, page 9, line 31, at end insert—

**“78RA Duty to have regard to published advice or guidance**

- (1) A public authority must, in providing services to the public or a section of the public in Northern Ireland, have due regard to any advice or guidance published pursuant to section 78R(2).
- (2) A public authority must prepare and publish a plan setting out the steps it proposes to take to comply with the duty in subsection (1).
- (3) A public authority—
  - (a) may revise and re-publish the plan if the authority considers it necessary or desirable to do so;
  - (b) must revise and re-publish the plan if relevant revised advice or guidance is published in accordance with section 78R(2).
- (4) In preparing or revising a plan under this section, a public authority must consult the Commissioner.”

**Member's explanatory statement**

This amendment would place public authorities under a duty to have regard to advice, support and guidance issued by the Commissioner for the Ulster Scots and Ulster British traditions. It would also require authorities to prepare and publish a plan demonstrating how they will adhere to the duty. This mirrors the duty to have regard provision that applies to the Irish Language Commissioner giving expression to the need for public authorities to give expression to the parity of esteem principle in relation to both Commissioners.

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**Sir Jeffrey M Donaldson**

**33**

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 3, page 9, line 31, at end insert—

- “(9) The First Minister and deputy First Minister acting jointly must annually assess and report on the costs arising from the role of the Commissioner in terms of—
- (a) the operation of the Commissioner's Office
  - (b) the engagement and compliance of public authorities with the Commissioner
  - (c) any other costs.”



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**Sir Jeffrey M Donaldson**

2

Sammy Wilson

Mr Gregory Campbell

Carla Lockhart

Ian Paisley

Jim Shannon

Gavin Robinson

Paul Girvan

Clause 3, page 9, line 34, leave out "facilitation"

**Member's explanatory statement**

See explanatory statement for Amendment 5.

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**Sir Jeffrey M Donaldson**

3

Sammy Wilson

Mr Gregory Campbell

Carla Lockhart

Ian Paisley

Jim Shannon

Gavin Robinson

Paul Girvan

Clause 3, page 10, line 17, leave out "facilitation"

**Member's explanatory statement**

See explanatory statement for Amendment 5.

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**Sir Jeffrey M Donaldson**

4

Sammy Wilson

Mr Gregory Campbell

Carla Lockhart

Ian Paisley

Jim Shannon

Gavin Robinson

Paul Girvan

Clause 3, page 10, line 20, leave out "facilitation"

**Member's explanatory statement**

See explanatory statement for Amendment 5.

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**Sir Jeffrey M Donaldson**

5

Sammy Wilson

Mr Gregory Campbell

Carla Lockhart

Ian Paisley

Jim Shannon

Gavin Robinson

Paul Girvan

Clause 3, page 10, leave out lines 24 to 27 and insert—

“(6) In this section “published guidance” means guidance published under section 78R(2)(b).”

**Member's explanatory statement**

This amendment would extend the grounds on which an individual can submit a complaint to the Commissioner for the Ulster Scots and Ulster British Traditions to cover the conduct of public authorities in relation to all the guidance issued by the Ulster Scots Ulster British Commissioner, as is already the case with respect to all the guidance issued by the Irish Language Commissioner. It would thus help restore/achieve the parity of esteem.

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**Peter Kyle**

17

Tonia Antoniazzi

★ Clause 3, page 10, line 29, after “means” insert “the Northern Ireland Office, the Northern Ireland Human Rights Commission and”

**Member's explanatory statement**

This amendment would include the Northern Ireland Office and the Northern Ireland Human Rights Commission in the definition of public authority within the bill.

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**Colum Eastwood**

13

Claire Hanna  
Stephen Farry

☆ Clause 6, page 12, line 2, at end insert—

“(3A) In the case of the absence of compliance with regard to identity and language functions by a Northern Ireland Minister or Northern Ireland department, the Secretary of State must—

- (a) act to appoint an Irish Language Commissioner within 30 days, in the case of the First Minister and deputy First Minister not acting jointly to appoint an Irish Language Commissioner as laid out in section 78J of the Northern Ireland Act 1998 (as inserted by section 2 of this Act) within 30 days of the legislation coming into force or a vacancy arising;
- (b) act within 30 days to approve the best practice standards submitted by the Irish Language Commissioner with or without modifications, in the case of the First Minister and deputy First Minister not approving best practice standards submitted under section 78M of the Northern Ireland Act 1998 (as inserted by section 2 of this Act) within 30 days.”

**Member's explanatory statement**

These step-in powers for the Secretary of State include a timescale whereby a decision by him or her must be taken. With this amendment the Secretary of State must act within 30 days of progress being restrained.

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**Colum Eastwood**

14

Claire Hanna  
Stephen Farry

☆ Clause 6, page 12, line 16, at end insert—

“(c) a function conferred by or under section 28D of the Northern Ireland Act 1998.”

**Member's explanatory statement**

This amendment seeks to permit the Secretary of State to intervene, reflecting the commitment given in New Decade New Approach. The Irish language strategy is not included under these functions and this amendment would amend the legislation to include the Irish language strategy as a function.

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**Sir Jeffrey M Donaldson**

22

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 8, page 13, line 9, leave out “may” and insert “must”

**Member's explanatory statement**

This amendment reflects that the provision contained in the Bill to operationalise the Government's obligation to establish to the Castlereagh Foundation must be more than simply permissive.

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**Stephen Farry**

18

★ Clause 8, page 13, line 21, at end insert—

“(2A) The Secretary of State must, within 3 months of the passing of this Act, publish a report on the establishment or funding of any body or organisation under subsection (1).

(2B) A report published under subsection (2A) must include details of the relevant body or organisation's—

- (a) membership or proposed membership;
- (b) funding structure or proposed funding structure;
- (c) functions, responsibilities and objectives;
- (d) compliance with Article 1(v) of the British-Irish Agreement 1998; and,
- (e) compliance with the National and Cultural Identity Principles.”

**Member's explanatory statement**

This amendment would require the Secretary of State to publish a report on the structure and functioning of the proposed Castlereagh Foundation.

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**Sir Jeffrey M Donaldson** 20

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 9, page 14, line 30, leave out subsection (2) and insert—

“(2) Part 1 comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint subject to subsection (3).”

**Member's explanatory statement**

This amendment would remove the concurrent powers and powers of direction granted to the Secretary of State for Northern Ireland under Part 2 from the Bill.

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**Sir Jeffrey M Donaldson** 34

★ Clause 9, page 14, line 31, at end insert—

“(2A) Before Part 1 comes into force the Secretary of State must lay before Parliament a report assessing—

- (a) the annual costs to the public purse of—
  - (i) the establishment and operation of each of the three bodies constituted under this Bill, and
  - (ii) the relevant public authorities engaging and having regard to the three offices, and
- (b) how this spending allocation gives effect to the principle of the parity of esteem between the unionist and nationalist communities.”

**Member's explanatory statement**

The explanatory notes for this Bill only provide costings for the running costs of the three new offices. This amendment requires the Secretary of State to assess the costs to the public purse both from running the three new offices and for meeting the cost of public authorities engaging with and having regard to the three new offices.

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**Sir Jeffrey M Donaldson** 35

Sammy Wilson  
Mr Gregory Campbell  
Carla Lockhart  
Paul Girvan  
Gavin Robinson

Ian Paisley

Jim Shannon

★ Clause 9, page 14, line 33, at end insert—

“(4) After the Bill comes into effect, the First Minister and deputy First Minister acting jointly must—

- (a) publish an annual report comparing the total public monies spent in relation to—
    - (i) the Irish Language Commissioner under Section 2(6), and
    - (ii) the Ulster Scots Ulster British Commissioner under Section 3(5), and
  - (b) assess the costs associated with running the Office of Identity and Expression,
- to ensure that the parity of esteem is respected in the spending between the unionist and nationalist communities.”

**Member's explanatory statement**

This amendment requires Ministers to annually compare the total public monies spent in relation to the Irish Language Commissioner and the Ulster Scots Ulster British Commissioner to ensure that parity of esteem is respected in the spending between the unionist and nationalist communities. It also requires them to assess the costs associated with the Office of Identity and Expression on the same basis.

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Secretary Chris Heaton-Harris

Gov 19

- ★ Clause 12, page 15, line 4, leave out subsection (2)

**Member's explanatory statement**

This amendment would remove the technical amendment made by the House of Lords in respect of the financial privileges of the House of Commons.

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Colum Eastwood

NC1

Claire Hanna  
Stephen Farry

- ☆ To move the following Clause—

**“Duty in relation to the European Charter for Regional or Minority Languages**

A public authority must, in carrying out functions relating to Northern Ireland, act compatibly with its obligations under the European Charter for Regional or Minority Languages.”

**Member's explanatory statement**

This new clause would oblige public authorities to comply with obligations accepted by the United Kingdom under the Council of Europe Charter for Regional or Minority Languages.

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## Order of the House

[12 October 2022]

That the following provisions shall apply to the Identity and Language (Northern Ireland) Bill [Lords]:

**Committal**

1. The Bill shall be committed to a Committee of the whole House.

**Proceedings in Committee, on Consideration and on Third Reading**

2. Proceedings in Committee shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings in Committee of the whole House.
3. Any proceedings on Consideration and proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion five hours after the commencement of proceedings in Committee of the whole House.
4. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

**Other proceedings**

5. Any other proceedings on the Bill may be programmed.