
Committee Stage: Friday 21 October 2022

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 Any withdrawn amendments are listed at the end of the document.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.

New Amendments: 6 to 14 and NC1

Colum Eastwood

6

Claire Hanna

★ 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.

Colum Eastwood

7

Claire Hanna

★ 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.

Colum Eastwood 8
Claire Hanna

- ★ 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.

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.

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.

Colum Eastwood 11
Claire Hanna

- ★ 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.

Colum Eastwood 12
Claire Hanna

- ★ 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.

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.

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.

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.

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.

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.

Colum Eastwood

13

Claire Hanna

★ 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.

Colum Eastwood

14

Claire Hanna

★ 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.

Colum Eastwood

NC1

Claire Hanna

★ 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.

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.