

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

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

*The amendments have been marshalled in accordance with the Instruction of 14th June 2022, as follows –*

Clause 1	Clause 3
Schedule 1	Schedule 3
Clause 2	Clauses 4 to 11
Schedule 2	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

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**Clause 1**

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS GOUDIE  
BARONESS HOEY

- 1** Clause 1, page 1, line 15, leave out “takes account of the sensitivities of those with different national and cultural identities” and insert “respects the rights of others”

***Member's explanatory statement***

*This amendment would substitute the qualification on the National and Cultural identity principles relating to the principle that everyone in Northern Ireland is free to express and celebrate that identity. The amendment would substitute the current limitation that this principle be subordinate to the “sensitivities” of persons with alternate national and cultural identity, with a limitation grounded in respect for the rights of others.*

LORD MURPHY OF TORFAEN  
BARONESS SUTTIE

- 2** Clause 1, page 2, leave out lines 5 to 11

***Member's explanatory statement***

*This is part of a set of probing amendments. This is to probe the chosen definition of “public authority” in relevant Clauses.*

**Clause 1- continued**

BARONESS RITCHIE OF DOWNPATRICK  
 BARONESS GOUDIE  
 BARONESS HOEY

3 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.*

BARONESS HOEY

4★ Clause 1, page 2, line 27, at end insert –

“(7) Nothing in this Part requires any public authority to fly any national flag other than the Union Flag of Great Britain and Northern Ireland from any public building, or prevents any public authority from acting so as to acknowledge or give effect to the constitutional position of Northern Ireland as part of the United Kingdom.

(8) Nothing in this Part or Part 7B or 7C gives rise to any justiciable rights or obligations or may be relied on in any legal proceedings.”

**Member's explanatory statement**

*This addition to section 78F is designed to ensure that the relevant principles in this part are not to be used to dilute the primacy of the acknowledgment by public authorities of the constitutional status of Northern Ireland as part of the United Kingdom, consistent with the principle of consent, and to prevent vexatious and costly litigation against the State on the basis of the broad and general principles set out in section 78F(1) and (2).*

LORD MURPHY OF TORFAEN  
 BARONESS SUTTIE

5 Clause 1, page 3, line 18, at end insert “including effective implementation of international human rights standards relevant to cultural identity and language;”

**Member's explanatory statement**

*This probing amendment would provide that the Office of Identity and Cultural Expression may issue guidance on the implementation of relevant human rights standards.*

BARONESS SUTTIE  
 LORD MURPHY OF TORFAEN

6 Clause 1, page 3, line 18, at end insert –

“(aa) develop a comprehensive languages strategy to include all spoken and sign languages used within Northern Ireland, including a duty

**Clause 1- continued**

on public bodies to develop language schemes that meet the identified needs of their user base;”

***Member's explanatory statement***

*This probing amendment would require the Office of Identity and Cultural Expression to develop a comprehensive language strategy to include other languages used in Northern Ireland.*

LORD MORROW  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD DODDS OF DUNCAIRN  
LORD HAY OF BALLYORE

- 7★ Clause 1, page 3, line 22, leave out from first “the” to end of line 24 and insert “Ulster Scots and Ulster British Traditions);”

***Member's explanatory statement***

*This amendment would revise the title of the Commissioner for the Ulster Scots and Ulster British traditions within the Bill. It would remove references to the purpose of the Ulster Scots and Ulster British Commissioner from its title in parity with the position adopted toward the Irish Language Commissioner.*

LORD MORROW  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD DODDS OF DUNCAIRN  
LORD HAY OF BALLYORE

- 8★ Clause 1, page 3, line 33, at end insert –
- “(5) The Secretary of State must annually assess and report on the costs arising from the operation of the Office in line with the duties prescribed in section 9(2A) and 9(2B) of the Identity and Language (Northern Ireland) Act 2022.”

**After Clause 1**

LORD LEXDEN

- 9★ After Clause 1, insert the following new Clause –

**“Castlereagh Foundation**

The Secretary of State must establish and provide funding for the Castlereagh Foundation, as contained in the New Decade, New Approach Deal.”

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN

**After Clause 1- continued**

LORD HAY OF BALLYORE

10★ After Clause 1, insert the following new Clause –

**“The establishment of the Castlereagh Foundation**

Within twelve months of the commencement of this Part, the Secretary of State for Northern Ireland must provide financial assistance establishing the Castlereagh Foundation in the interests of supporting academic research through universities and other partners to explore identity in Northern Ireland.”

***Member's explanatory statement***

*This amendment would give effect to the UK Government's financial commitment annexed to New Decade New Approach to support start-up costs for the Castlereagh Foundation.*

**Clause 2**

BARONESS HOEY

11★ Clause 2, page 4, line 24, after “must” insert “conscientiously seek to agree to”

***Member's explanatory statement***

*This amendment seeks to give effect to the core principle within the Belfast Agreement Strand One (5)(d) of cross community consent for key decisions by ensuring that consideration of appointing an Irish Language Commissioner requires good faith efforts to reach agreement, rather than imposing a requirement to agree.*

LORD MORROW

LORD MCCREA OF MAGHERAFELT AND COOKSTOWN

LORD DODDS OF DUNCAIRN

LORD HAY OF BALLYORE

12★ Clause 2, page 5, line 13, at end insert –

- “(6) The Secretary of State 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) public authorities engaging and complying with the Commissioner, and
  - (c) any other costs,
- in line with the duties prescribed in section 9(2A) and 9(2B) of the Identity and Language (Northern Ireland) Act 2022.”

BARONESS RITCHIE OF DOWNPATRICK

BARONESS GOUDIE

13 Clause 2, page 5, leave out lines 21 to 23

**Clause 2- continued*****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.*

BARONESS HOEY

**14★** Clause 2, page 5, leave out lines 21 to 23 and insert—

“(2) The First Minister and deputy First Minister acting jointly must conscientiously consider best practice standards submitted under subsection (1); and only upon agreement of the best practice standards (with or without modifications) by the First and deputy First Minister acting jointly do the relevant standards take effect.”

***Member's explanatory statement***

*This amendment seeks to substitute section 78L(2) to ensure that cross-community consent, in the form of requiring FM and DFM agreement, is preserved in substance. Accordingly, this amendment would require agreement prior to any standards coming into effect. The present structure of section 78L creates ambiguity as to the status of standards if they are not agreed by FM and DFM.*

BARONESS SUTTIE  
LORD MURPHY OF TORFAEN**15** Clause 2, page 5, line 23, at end insert—

“(2A) The First Minister and deputy First Minister must have regard to advice provided by the Commissioner when making a decision to approve best practice standards under subsection (2).”

***Member's explanatory statement***

*This probing amendment would require the First Minister and deputy First Minister to have regard to any advice provided by the Commissioner when deciding whether to approve best practice standards.*

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS GOUDIE**16** Clause 2, page 5, line 24, leave out “approved under subsection (2)”***Member's explanatory statement***

*This amendment is consequential on Baroness Ritchie of Downpatrick's amendment to Clause 2, page 5, line 21.*

**Clause 2- continued**

BARONESS HOEY

- 17★ Clause 2, page 6, line 11, leave out from “authority” to “to” in line 12 and insert “may, in providing services to the public or a section of the public in Northern Ireland, give consideration”

***Member's explanatory statement***

*This amendment would make it discretionary for public authorities to consider published standards, rather than making it mandatory.*

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS GOUDIE

- 18 Clause 2, page 6, line 12, 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.*

BARONESS HOEY

- 19★ Clause 2, page 6, leave out lines 14 to 23

***Member's explanatory statement***

*This amendment removes the requirement to publish a plan in relation to how a public authority proposes to have due regard to any relevant best practice standards.*

LORD MURPHY OF TORFAEN  
BARONESS SUTTIE

- 20 Clause 2, page 7, leave out lines 19 to 31

***Member's explanatory statement***

*This is part of a set of probing amendments. This is to probe the chosen definition of “public authority” in relevant Clauses.*

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS GOUDIE

- 21 Clause 2, page 7, line 19, after “means” insert “UK wide authorities which provide services to the public or a section of the public in Northern Ireland and”

***Member's explanatory statement***

*This amendment would ensure key UK wide services are included.*

**Clause 3**

LORD MORROW  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD DODDS OF DUNCAIRN  
LORD HAY OF BALLYORE

- 22★** Clause 3, page 8, line 8, leave out “TRADITION” and insert “TRADITIONS”

***Member's explanatory statement***

*This amendment would differentiate between the distinct Ulster Scots and Ulster British traditions within the framing the Bill and proposed functions of the Commissioner.*

LORD MORROW  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD DODDS OF DUNCAIRN  
LORD HAY OF BALLYORE

- 23★** Clause 3, page 8, line 24, 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.*

BARONESS HOEY

- 24★** Clause 3, page 8, line 24, after “arts” insert “, culture”

***Member's explanatory statement***

*This amendment seeks to amend section 78R(1) to include reference to culture, thus making the role of the Ulster Scots and Ulster British Commissioner consistent with the national identity and culture principles.*

BARONESS HOEY

- 25★** Clause 3, page 8, line 26, after “arts” insert “, culture”

***Member's explanatory statement***

*This amendment seeks to amend section 78R(1) to include reference to culture, thus making the role of the Ulster Scots and Ulster British Commissioner consistent with the national identity and culture principles.*

LORD MORROW  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD DODDS OF DUNCAIRN

**Clause 3- continued**

LORD HAY OF BALLYORE

**26★** Clause 3, page 8, line 28, at end insert –

“(za) enhance and develop the heritage and culture associated with the Ulster Scots and Ulster British traditions in Northern Ireland, including in relation to education, research, media, cultural activities and facilities and tourism initiatives;”

***Member's explanatory statement***

*This amendment would prescribe a range of activities to be advanced under the duty of the Commissioner for the Ulster Scots and Ulster British Traditions to enhance and develop the heritage and culture of those traditions. This reflects the content of 5.15 of New Decade New Approach.*

BARONESS HOEY

**27★** Clause 3, page 8, line 31, at end insert “and promote and enhance the expressions of Ulster British identity, culture and tradition;”***Member's explanatory statement***

*This amendment seeks to amend section 78R(2) to include reference to culture, thus making the role of the Ulster Scots and Ulster British Commissioner consistent with the national identity and culture principles.*

BARONESS HOEY

**28★** Clause 3, page 8, line 35, at end insert “, culture”***Member's explanatory statement***

*This is a consequential amendment to the other amendments at Clause 3 in the name of Baroness Hoey.*

LORD MORROW

LORD MCCREA OF MAGHERAFELT AND COOKSTOWN

LORD DODDS OF DUNCAIRN

LORD HAY OF BALLYORE

**29★** Clause 3, page 9, line 2, leave out “in relation to the relevant language, arts and literature”***Member's explanatory statement***

*This amendment would remove any limitation on the Commissioner for the Ulster Scots and Ulster British traditions to advise public authorities on the effect and implementation of international instruments. This would promote realisation of all relevant human rights safeguards encompassed by these instruments.*

LORD MORROW

LORD MCCREA OF MAGHERAFELT AND COOKSTOWN



**Clause 3- continued**

LORD DODDS OF DUNCAIRN  
LORD HAY OF BALLYORE

**30★** Clause 3, page 9, line 4, at end insert –

“(d) promote cultural connections between the Ulster Scots community in Northern Ireland and the Ulster Scots community in Scotland and England.”

**Member's explanatory statement**

*This amendment would confer a duty on the Commissioner for the Ulster Scots and Ulster British traditions to promote Ulster Scots connections on a bilateral and tripartite basis with other regions of the United Kingdom.*

LORD MORROW  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD DODDS OF DUNCAIRN  
LORD HAY OF BALLYORE

**31★** Clause 3, page 9, line 27, at end insert –

“(9) The Secretary of State 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) public authorities engaging and complying with the Commissioner, and
- (c) any other costs,

in line with the duties prescribed in section 9(2A) and 9(2B) of the Identity and Language (Northern Ireland) Act 2022.”

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD HAY OF BALLYORE

**32★** Clause 3, page 9, line 27, 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;

**Clause 3- continued**

- (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.*

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD HAY OF BALLYORE

- 33★ Clause 3, page 9, line 30, leave out “facilitation”

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD HAY OF BALLYORE

- 34★ Clause 3, page 10, line 12, leave out “facilitation”

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD HAY OF BALLYORE

- 35★ Clause 3, page 10, line 15, leave out “facilitation”

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD HAY OF BALLYORE

- 36★ Clause 3, page 10, leave out lines 19 to 22 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. The amendment would facilitate redress for alleged failures by a public authority to give due regard to any guidance published under 78R(2)(b).*

**Clause 3 - continued**

LORD MURPHY OF TORFAEN  
BARONESS SUTTIE

37 Clause 3, page 10, leave out lines 24 to 34

**Member's explanatory statement**

*This is part of a set of probing amendments. This is to probe the chosen definition of “public authority” in relevant Clauses.*

**Clause 5**

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD HAY OF BALLYORE

38★ Clause 5, page 11, line 17, at end insert –

“**89B** The Department may, subject to such conditions as it thinks fit, pay grants to any body appearing to the Department to have as an objective the encouragement or promotion of Ulster Scots in education.”

**Member's explanatory statement**

*This amendment would give effect to the proposed duty to promote the use and understanding of Ulster Scots in education by providing an explicit power to the Department of Education to pay grants in pursuance of its obligations.*

**After Clause 5**

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS HARRIS OF RICHMOND

39 After Clause 5, insert the following new Clause –

**“Duty in relation to the Council of Europe Charter for Regional or Minority Languages**

A public authority must, in carrying out functions relating to Northern Ireland, act compatibly with the 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.*

**Clause 6**

LORD MURPHY OF TORFAEN  
BARONESS SUTTIE

40 Clause 6, page 11, line 36, at end insert –

“(aa) arrange for a statement to be made to each House of Parliament, and”

***Member's explanatory statement***

*This probing amendment would require the Secretary of State to make a statement to Parliament when they use the powers of direction under this Clause.*

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS GOUDIE

41 Clause 6, page 12, line 1, at end insert –

“(4A) In the case of the absence of compliance by a Northern Ireland Minister or Northern Ireland department on identity and language functions the Secretary of State must act in the cases listed under subsection (4B).

(4B) The Secretary of State must act as follows –

- (a) 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) within 30 days of the legislation coming into force or a vacancy arising, the Secretary of State must act to appoint an Irish Language Commissioner within 30 subsequent days;
- (b) in the case of the First Minister and deputy First Minister not approving best practice standards, submitted under section 78L of the Northern Ireland Act 1998 (as inserted by section 2) within 30 days, the Secretary of State must act before 30 subsequent days elapse to approve the best practice standards submitted by the Irish Language Commissioner with or without modifications.”

***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.*

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS GOUDIE

42 Clause 6, page 12, line 13, at end insert –

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

***Member's explanatory statement***

**Clause 6 - continued**

*This amendment seeks to permit the Secretary of State to intervene, reflecting the commitment given in New Decade New Approach.*

BARONESS HOEY  
LORD MOYLAN

**43★** Clause 6, page 12, line 15, at end insert –

“(6) The powers conferred by this Part may only be used in circumstances whereby there is no functioning Executive for a period exceeding six months.”

***Member's explanatory statement***

*This amendment inserts a new provision making clear that the Secretary of State may only use the powers in circumstances whereby there is no functioning Northern Ireland Executive for more than six months. This preserves the primacy of devolution and respects the constitutional power sharing settlement in Northern Ireland, which requires cross community consent for key decisions pursuant to Strand One (5)(d) of the Belfast Agreement.*

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD HAY OF BALLYORE

*The above-named Lords give notice of their intention to oppose the Question that Clause 6 stand part of the Bill.*

**Clause 7**

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD HAY OF BALLYORE

*The above-named Lords give notice of their intention to oppose the Question that Clause 7 stand part of the Bill.*

**Clause 9**

LORD MORROW  
LORD DODDS OF DUNCAIRN  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD HAY OF BALLYORE

**44★** Clause 9, page 14, line 17, 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 (2A).”

**Clause 9- continued*****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.*

LORD MORROW  
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN  
LORD DODDS OF DUNCAIRN  
LORD HAY OF BALLYORE

45★ Clause 9, page 14, line 18, at end insert –

- “(2A) Before Part 1 comes into force, and annually thereafter, the Secretary of State must lay before Parliament a report assessing the costs to the public purse of the establishment and operation of each of the three bodies constituted under this Act, the exercise of their functions and associated impact on public authorities or other persons.
- (2B) In assessing costs arising under subsection (2A), the Secretary of State must give due regard to ensuring parity of esteem between different national and cultural identities in Northern Ireland.”

***Member's explanatory statement***

*This amendment places a requirement for the Secretary of State to prepare an annual financial report detailing the estimated cost to the public purse of implementing the provisions contained in the Bill. The amendment also requires the Secretary of State to give due regard to parity of esteem between traditions.*



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

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LIST OF AMENDMENTS  
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*20 June 2022*

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