

Identity and Language (Northern Ireland) Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD MURPHY OF TORFAEN
BARONESS RITCHIE OF DOWNPATRICK
BARONESS SUTTIE

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

LORD CAINE

- 2 Clause 1, page 3, line 22, leave out from “Commissioner” to “Ulster” in line 24 and insert “for the Ulster Scots and the”

LORD CAINE

- 3 Clause 1, page 3, line 33, at end insert –

“78I Further functions: establishing the Castlereagh Foundation

- (1) The Office may –
- (a) establish a body corporate or other organisation to be known as the Castlereagh Foundation, or
 - (b) provide grants for the establishment of such a body or organisation by another person.
- (2) A body or other organisation established or funded under subsection (1) must –
- (a) have as its principal objective the funding and support of academic research into identity, including national and cultural identity and shifting patterns of identity, in Northern Ireland, and

Clause 1 - continued

- (b) be operationally and financially independent from the Office (though this does not affect the Office's functions under section 78H).
- (3) The Office may dispose of any interest in the Castlereagh Foundation."

Clause 2

LORD MORROW
LORD EMPEY

4★ Clause 2, page 5, line 13, 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) public authorities engaging and complying with the Commissioner;
 - (c) any other costs.”

LORD MURPHY OF TORFAEN
BARONESS RITCHIE OF DOWNPATRICK
BARONESS SUTTIE

5 Clause 2, page 7, line 19, after “means” insert “the Northern Ireland Office, the Northern Ireland Human Rights Commission and”

LORD CAINE

6 Clause 2, page 7, line 24, leave out from “Commissioner” to “Ulster” in line 26 and insert “for the Ulster Scots and the”

Clause 3

LORD CAINE

7 Clause 3, page 8, line 11, leave out from “Commissioner” to second “Ulster” in line 12 and insert “for the Ulster Scots and the”

LORD CAINE

8 Clause 3, page 8, line 14, leave out from “Commissioner” to second “Ulster” in line 16 and insert “for the Ulster Scots and the”

Clause 3 - continued

LORD CAINE

- 9 Clause 3, page 8, line 18, leave out from second “Commissioner” to second “Ulster” in line 20 and insert “for the Ulster Scots and the”

LORD MORROW
LORD EMPEY

- 10★ 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.

LORD CAINE

- 11 Clause 3, page 8, line 25, after “and” insert “the”

LORD MORROW
LORD EMPEY

- 12★ Clause 3, page 8, line 27, at end insert –

“(1A) The Commissioner’s remit includes the areas of education, research, media, cultural activities and facilities and tourism initiatives.”

Member's explanatory statement

This amendment inserts the text of para 5.15 of the NDNA, the content of which is not recognised in the current text of the Bill.

LORD MORROW
LORD EMPEY

- 13★ Clause 3, page 9, line 2, leave out from “(3)” to end of line 3 and insert “insofar as affecting Ulster Scots;”

Member's explanatory statement

This amendment restores the language used to address this commitment in the NDNA. The new wording comes from the NDNA.

Clause 3 - continued

LORD MORROW
LORD EMPEY

14★ 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 the rest of the United Kingdom.”

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. This is consistent with obligations under the international instruments which the NDNA aligns itself with.

LORD MORROW
LORD EMPEY

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

“(9) The Commissioner may make recommendations to Northern Ireland society with respect to the Ulster Scots and Ulster British traditions that are not limited to public authorities.”

Member's explanatory statement

This is a probing amendment to assess to what extent it is the Government's intention that the role of the Commissioner be limited to public authorities.

LORD MORROW
LORD EMPEY

16★ Clause 3, page 9, line 27, 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) public authorities engaging and complying with the Commissioner;
- (c) any other costs.”

LORD MORROW
LORD EMPEY

17★ 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).

Clause 3 - continued

- (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.

LORD MORROW
LORD EMPEY

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

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 and 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.

LORD MORROW
LORD EMPEY

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

Member's explanatory statement

See explanatory statement for amendment at Clause 3, page 9, line 30.

LORD MORROW
LORD EMPEY

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

Member's explanatory statement

See explanatory statement for amendment at Clause 3, page 9, line 30.

Clause 3 - continued

LORD MORROW
LORD EMPEY

- 21★ 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

See explanatory statement for amendment at Clause 3, page 9, line 30.

LORD MURPHY OF TORFAEN
BARONESS RITCHIE OF DOWNPATRICK
BARONESS SUTTIE

- 22 Clause 3, page 10, line 24, after “means” insert “the Northern Ireland Office, the Northern Ireland Human Rights Commission and”

LORD CAINE

- 23 Clause 3, page 11, line 7, leave out from “Commissioner” to second “Ulster” in line 9 and insert “for the Ulster Scots and the”

Clause 5

LORD MORROW
LORD EMPEY

- 24★ 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 for the Department of Education to pay grants in pursuance of its obligations as is the case already in relation to the Irish Language. The wording of this amendment mirrors the existing provision in relation to the Irish Language, maintaining the parity of esteem.

Clause 6

BARONESS RITCHIE OF DOWNPATRICK

- 25 Clause 6, page 12, line 1, at end insert—
“(4A) Where a Northern Ireland Minister or Northern Ireland department does not perform their identity and language functions, the Secretary of State must act if no progress has made in regard to those functions.

Clause 6 - continued

- (4B) Where the First Minister and deputy First Minister do not act jointly to appoint an Irish Language Commissioner in accordance with section 78J(1) of the Northern Ireland Act 1998 within the period of 30 days of that section coming into force or a vacancy arising, the Secretary of State must act to appoint an Irish Language Commissioner within a further period of 30 days.
- (4C) Where the First Minister and deputy First Minister do not act jointly to approve best practice standards in accordance with section 78L(2) of the Northern Ireland Act 1998 within the period of 30 days of best practice standards being submitted to them, the Secretary of State must within a further period of 30 days approve the best practice standards with or without modifications.”

Member's explanatory statement

This amendment would provide a timescale for the Secretary of State to step in if there is no Northern Ireland Executive in place in order to execute the functions of the legislation.

LORD CAINE

- 26 Clause 6, page 12, line 6, leave out from “Commissioner” to “Ulster” in line 8 and insert “for the Ulster Scots and the”

BARONESS RITCHIE OF DOWNPATRICK

- 27 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

This amendment would make provision within the legislation to include the Irish language strategy as a function to comply with the requirements of the January 2020 New Decade New Approach Agreement.

LORD MORROW
LORD EMPEY

- 28★ Leave out Clause 6

Member's explanatory statement

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

Clause 7LORD MORROW
LORD EMPEY

- 29★ Leave out Clause 7

Member's explanatory statement

Clause 7 - continued

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

After Clause 7

LORD CAINE

30 After Clause 7, insert the following new Clause –

“Establishing the Castlereagh Foundation

- (1) The Secretary of State may –
 - (a) establish a body corporate or other organisation to be known as the Castlereagh Foundation, or
 - (b) provide grants for the establishment of such a body or organisation by another person.
- (2) A body or other organisation established or funded under subsection (1) must –
 - (a) have as its principal objective the funding and support of academic research into identity, including national and cultural identity and shifting patterns of identity, in Northern Ireland, and
 - (b) be operationally and financially independent from the Office of Identity and Cultural Expression (though this does not affect the Office’s functions under section 78H of the Northern Ireland Act 1998).
- (3) The Secretary of State may dispose of any interest in the Castlereagh Foundation.”

Clause 8

LORD CAINE

31 Clause 8, page 13, line 21, leave out from “Commissioner” to second “Ulster” in line 22 and insert “for the Ulster Scots and the”

LORD CAINE

32 Clause 8, page 13, line 23, leave out from “Commissioner” to second “Ulster” in line 24 and insert “for the Ulster Scots and the”

LORD CAINE

33 Clause 8, page 13, line 30, leave out from “Commissioner” to second “Ulster” in line 31 and insert “for the Ulster Scots and the”

Clause 8 - continued

LORD CAINE

- 34 Clause 8, page 14, line 6, leave out from “Commissioner” to second “Ulster” in line 7 and insert “for the Ulster Scots and the”

LORD CAINE

- 35 Clause 8, page 14, line 13, leave out from “Commissioner” to second “Ulster” in line 14 and insert “for the Ulster Scots and the”

Clause 9

LORD MORROW

LORD EMPEY

- 36★ 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).”

Member's explanatory statement

This amendment, with others, 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 EMPEY

- 37★ Clause 9, page 14, line 18, 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 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, so one can see the overall cost.

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