



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### [<sup>F1</sup>PART 7B

#### THE IRISH LANGUAGE

##### Textual Amendments

- F1** Pt. 7B inserted (22.5.2023 for specified purposes) by [Identity and Language \(Northern Ireland\) Act 2022 \(c. 45\)](#), ss. 2(1), 10(2); S.I. 2023/566, reg. 2(c)

#### **78J Recognition of the status of the Irish language**

- (1) The purpose of this Part is to provide official recognition of the status of the Irish language in Northern Ireland by—
  - (a) providing for the appointment of an Irish Language Commissioner,
  - (b) providing for the development of standards of best practice relating to the use of the Irish language by public authorities, and
  - (c) requiring public authorities to have due regard to such standards.
- (2) This is in addition to any other official recognition of the status of the Irish language including, for example, in—
  - (a) section 28D,
  - (b) the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 (S.I. 1999/859), and
  - (c) provision relating to Irish-medium education.
- (3) Nothing in this Part affects the status of the English language.

#### **78K The Irish Language Commissioner**

- (1) The First Minister and deputy First Minister acting jointly must appoint an Irish Language Commissioner.

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*Status: Point in time view as at 24/05/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Part 7B. (See end of Document for details)*

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- (2) The person for the time being holding office as Irish Language Commissioner is by that name a corporation sole.
- (3) In this Part, “the Commissioner” means the Irish Language Commissioner.
- (4) [Schedule 9B](#) contains provision about the Commissioner.

#### **78L Functions of the Commissioner**

- (1) The principal aim of the Commissioner in exercising functions under this Part is to enhance and protect the use of the Irish language by public authorities in the provision of services to the public or a section of the public in Northern Ireland.
- (2) The Commissioner must—
  - (a) prepare and publish, in accordance with sections 78M and 78N, standards of best practice relating to the use of the Irish language by public authorities,
  - (b) monitor and promote compliance with those standards, and
  - (c) investigate complaints in accordance with section 78P.
- (3) The Commissioner may provide advice, support and guidance to public authorities in relation to the use of the Irish language and the standards of best practice.
- (4) The First Minister and deputy First Minister acting jointly may direct the Commissioner in relation to the exercise of the Commissioner’s functions.
- (5) In this Part, a reference to services is a reference to services whether provided for payment or not.

#### **78M Irish language best practice standards**

- (1) The Commissioner must—
  - (a) prepare written standards of best practice relating to the use of the Irish language by public authorities in the provision of services to the public or a section of the public in Northern Ireland (“best practice standards”), and
  - (b) submit them to the First Minister and deputy First Minister.
- (2) The First Minister and deputy First Minister acting jointly may approve best practice standards submitted under [subsection \(1\)](#) with or without modifications.
- (3) The Commissioner must publish best practice standards approved under [subsection \(2\)](#).
- (4) In preparing best practice standards, the Commissioner must—
  - (a) have due regard to any guidance of the First Minister and deputy First Minister acting jointly, and
  - (b) consult such public authorities or other persons as the Commissioner considers appropriate.
- (5) Best practice standards—
  - (a) must state the date or dates from which they are to be applicable, and
  - (b) may make different provision for different public authorities or different descriptions of public authority.

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### **78N Review and revision of best practice standards**

- (1) The Commissioner must, within the period of five years beginning with the day on which best practice standards were last published, review the operation of those standards.
- (2) The Commissioner may revise or withdraw best practice standards—
  - (a) following a review under [subsection \(1\)](#), or
  - (b) at any other time, if the Commissioner considers it necessary or desirable to do so.
- (3) The Commissioner must submit any revised best practice standards to the First Minister and deputy First Minister.
- (4) Subsections (2) to (5) of [section 78M](#) apply to revised best practice standards as they apply to best practice standards prepared under [section 78M\(1\)](#).

### **78O Duty to have regard to best practice standards**

- (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 published best practice standards.
- (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, and
  - (b) must revise and re-publish the plan if relevant revised best practice standards are published in accordance with [section 78N](#).
- (4) In preparing or revising a plan under this section, a public authority must consult the Commissioner.

### **78P Complaints**

- (1) [Subsection \(2\)](#) applies in relation to a complaint to the effect that a public authority has failed to comply with its obligations under [section 78O](#) if—
  - (a) the complaint is made by a person claiming to have been directly affected by the failure,
  - (b) the complaint is made in writing to the Commissioner within the period of three months beginning with the day on which the complainant first knew of the matters raised in the complaint, and
  - (c) the Commissioner is satisfied that the complainant has notified the public authority of the matters raised in the complaint and the authority has had reasonable opportunity to consider them and respond.
- (2) The Commissioner must—
  - (a) investigate the complaint, or
  - (b) provide the complainant with a written statement of the Commissioner's reasons for not investigating the complaint.
- (3) If investigating the complaint, the Commissioner must—
  - (a) notify the complainant and public authority in writing of that fact,

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- (b) afford the public authority reasonable opportunity to comment on matters raised in the complaint, and
  - (c) give the complainant and public authority a report setting out the Commissioner’s findings.
- (4) If the Commissioner finds that the public authority failed to comply with its obligations under [section 78O](#), the Commissioner—
- (a) may include in the report under [subsection \(3\)](#) recommendations as to how the public authority might remedy its failure and avoid future failures, and
  - (b) must lay the report before the Assembly.
- (5) An investigation under this section may be carried out in private if the Commissioner considers it appropriate.

### **78Q Meaning of “public authority”**

- (1) In this Part “public authority” means an authority listed in Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4 (N.I.)), but does not include—
- (a) the Commissioner;
  - (b) the Office of Identity and Cultural Expression;
  - (c) the Commissioner for the Ulster Scots and the Ulster British tradition;
  - (d) the implementation body to which Part 6 of the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 (S.I. 1999/859) (language) applies;
  - (e) a body referred to in note 2 to Schedule 3 but not listed in that Schedule.
- (2) The First Minister and deputy First Minister acting jointly may by regulations modify [this section](#) for the purpose of adding authorities to or removing authorities from the definition of “public authority”.
- (3) Regulations under [subsection \(2\)](#) may—
- (a) add an authority only if the provision adding the authority—
    - (i) would be within the legislative competence of the Assembly if it were contained in an Act of the Assembly, and
    - (ii) would not, if it were contained in a Bill of the Assembly, result in that Bill requiring the consent of the Secretary of State;
  - (b) add or remove an authority for a particular purpose, or in relation to specified functions;
  - (c) include transitional or supplementary provision.]

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