



Identity and Language (Northern Ireland) Act 2022

2022 CHAPTER 45

PART 1

NATIONAL AND CULTURAL IDENTITY AND LANGUAGE

1 National and cultural identity

(1) In the Northern Ireland Act 1998 after Part 7 insert—

“PART 7A

NATIONAL AND CULTURAL IDENTITY

78F National and cultural identity principles

- (1) A public authority must in carrying out functions relating to Northern Ireland have due regard to the national and cultural identity principles.
- (2) The “national and cultural identity principles” are—
 - (a) the principle that everybody in Northern Ireland is free to—
 - (i) choose, affirm, maintain and develop their national and cultural identity, and
 - (ii) express and celebrate that identity in a manner that takes account of the sensitivities of those with different national and cultural identities and respects the rule of law, and
 - (b) the principle that public authorities should encourage and promote reconciliation, tolerance and meaningful dialogue between those with different national and cultural identities with a view to promoting parity of esteem, mutual respect and understanding, and cooperation.

Status: This is the original version (as it was originally enacted).

- (3) In this Part, a reference to a person’s national and cultural identity is a reference to a person’s religious belief, political opinion or racial group.
- (4) In this section—
- “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) a body referred to in note 2 to Schedule 3 but not listed in that Schedule;
- (b) the Office of Identity and Cultural Expression (see section 78G);
- “racial group” has the same meaning as in the Race Relations (Northern Ireland) Order 1997.
- (5) 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”.
- (6) Regulations under [subsection \(5\)](#) 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 particular functions;
- (c) include transitional or supplementary provision.

78G The Office of Identity and Cultural Expression

- (1) A body corporate to be known as the Office of Identity and Cultural Expression is established.
- (2) In this Part “the Office” means the Office of Identity and Cultural Expression.
- (3) [Schedule 9A](#) contains provision about the Office.

78H Functions of the Office of Identity and Cultural Expression

- (1) The principal aims of the Office in exercising functions under this section are—
- (a) to promote cultural pluralism and respect for diversity in Northern Ireland;
- (b) to promote social cohesion and reconciliation between those with different national and cultural identities;
- (c) to increase the capacity and resilience of people in Northern Ireland to address issues related to differences in national and cultural identity;
- (d) to support, and promote the celebration of, the cultural and linguistic heritage of all people living in Northern Ireland.
- (2) The Office must—

Status: This is the original version (as it was originally enacted).

- (a) promote awareness of the national and cultural identity principles,
 - (b) monitor and promote compliance with the duty under [section 78F\(1\)](#),
and
 - (c) report to the Assembly about compliance with that duty.
- (3) In carrying out the functions in [subsection \(2\)](#), the Office may in particular—
- (a) publish, and revise, guidance about—
 - (i) the duty under [section 78F\(1\)](#), including best practice for complying with that duty, and
 - (ii) other matters relating to national and cultural identity in Northern Ireland;
 - (b) undertake, commission or support research into matters relating to national and cultural identity in Northern Ireland (including at the request of the Irish Language Commissioner or the Commissioner for the Ulster Scots and the Ulster British tradition);
 - (c) provide, commission or support educational programmes, engagement and training on matters relating to national and cultural identity in Northern Ireland;
 - (d) provide grants to persons with aims like those described in [subsection \(1\)](#);
 - (e) cooperate with persons with aims like those described in [subsection \(1\)](#) (whether or not relating to Northern Ireland).
- (4) The First Minister and deputy First Minister acting jointly may direct the Office in relation to the exercise of its functions.

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
 - (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.”
- (2) Schedule 1 contains provision about the Office of Identity and Cultural Expression.

2 Irish language

- (1) In the Northern Ireland Act 1998 after Part 7A (inserted by [section 1\(1\)](#)) insert—

“PART 7B

THE IRISH LANGUAGE

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.
- (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.

Status: This is the original version (as it was originally enacted).

- (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.

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,
 - (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.

Status: This is the original version (as it was originally enacted).

- (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.”
- (2) [Schedule 2](#) contains provision about the Irish Language Commissioner.

3 The Ulster Scots and the Ulster British tradition

- (1) In the Northern Ireland Act 1998 after Part 7B (inserted by [section 2\(1\)](#)) insert—

“PART 7C

THE ULSTER SCOTS AND THE ULSTER BRITISH TRADITION

78R The Commissioner

- (1) The First Minister and deputy First Minister acting jointly must appoint a Commissioner for the Ulster Scots and the Ulster British tradition.
- (2) The person for the time being holding office as the Commissioner for the Ulster Scots and the Ulster British tradition is by that name a corporation sole.

Status: This is the original version (as it was originally enacted).

- (3) In this Part, “the Commissioner” means the Commissioner for the Ulster Scots and the Ulster British tradition.
- (4) [Schedule 9C](#) contains provision about the Commissioner.

78S Functions of the Commissioner

- (1) The principal aim of the Commissioner in exercising functions under this Part is to enhance and develop the language, arts and literature associated with the Ulster Scots and the Ulster British tradition in Northern Ireland (in this Part referred to as “the relevant language, arts and literature”).
- (2) The Commissioner must—
 - (a) promote awareness of Ulster Scots services provided by public authorities to the public or a section of the public in Northern Ireland;
 - (b) provide or publish such advice, support and guidance as the Commissioner considers appropriate to public authorities in relation to—
 - (i) developing and encouraging the relevant language, arts and literature (including in relation to facilitating the use of Ulster Scots in the provision of services to the public or a section of the public in Northern Ireland);
 - (ii) the effect and implementation of the international instruments specified in subsection (3) in relation to the relevant language, arts and literature;
 - (c) investigate complaints in accordance with [section 78T](#).
- (3) The specified international instruments are—
 - (a) the Council of Europe’s Charter for Regional or Minority Languages opened for signature on 5 November 1992,
 - (b) the Council of Europe’s Framework Convention for the Protection of National Minorities opened for signature on 1 February 1995, and
 - (c) the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1989,
 including any protocols which are in force in relation to the United Kingdom, but subject to any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.
- (4) In preparing guidance for publication, the Commissioner must consult with such public authorities and other persons as the Commissioner considers appropriate.
- (5) The First Minister and deputy First Minister acting jointly may direct the Commissioner in relation to the exercise of the Commissioner’s functions.
- (6) In [subsection \(2\)\(a\)](#), “Ulster Scots services” means services provided in Ulster Scots or likely to be of particular interest to those with an interest in the relevant language, arts and literature.
- (7) In this Part, a reference to services is a reference to services whether provided for payment or not.
- (8) Nothing in this Part affects the status of the English language.

78T Complaints

- (1) **Subsection (2)** applies in relation to a complaint to the effect that a public authority did not have due regard to published facilitation guidance 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 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,
 - (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 did not have due regard to published facilitation guidance, the Commissioner—
 - (a) may include in the report under **subsection (3)** recommendations as to how the public authority might have better regard to published facilitation guidance, and
 - (b) may lay the report before the Assembly.
- (5) An investigation under this section may be carried out in private if the Commissioner considers it appropriate.
- (6) In this section “published facilitation guidance” means guidance published under **section 78S(2)(b)(i)** in relation to facilitating the use of Ulster Scots in the provision of services to the public or a section of the public in Northern Ireland.

78U 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 Irish Language Commissioner;
 - (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;

Status: This is the original version (as it was originally enacted).

- (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.”
- (2) [Schedule 3](#) contains provision about the Commissioner for the Ulster Scots and the Ulster British tradition.

4 Use of languages other than English in proceedings

The Administration of Justice (Language) Act (Ireland) [1737 \(c. 6\)](#) is repealed.

5 Use of Ulster Scots in education

In the Education (Northern Ireland) Order 1998 ([S.I. 1998/1759 \(N.I. 13\)](#)) after Article 89 insert—

“89A Ulster Scots in education

It shall be the duty of the Department to encourage and facilitate the use and understanding of Ulster Scots in the education system.”

PART 2

POWERS OF THE SECRETARY OF STATE

6 Concurrent powers and powers of direction

- (1) The Secretary of State may do anything that a Northern Ireland Minister or Northern Ireland department could do in the exercise of an identity and language function.
- (2) The Secretary of State may direct a Northern Ireland Minister, Northern Ireland department or identity and language authority to do or not do anything that the Minister, department or authority—
 - (a) could do in the exercise of an identity and language function;
 - (b) could otherwise do (but this is subject to [subsection \(3\)](#)).

- (3) The Secretary of State may give a direction under [subsection \(2\)\(b\)](#) if the Secretary of State considers the direction appropriate—
- (a) for the purpose of ensuring the effective operation of an identity and language authority, or
 - (b) in relation to the exercise, by the Secretary of State, of another function under this section.
- (4) After giving a direction under [subsection \(2\)](#), the Secretary of State must—
- (a) lay a copy of the direction before Parliament, and
 - (b) publish the direction.
- (5) In this Part—
- “identity and language authority” means—
 - (a) the Office of Identity and Cultural Expression;
 - (b) the Irish Language Commissioner;
 - (c) the Commissioner for the Ulster Scots and the Ulster British tradition;
 - “identity and language function” means—
 - (a) a function conferred by or under Parts 7A to 7C of the Northern Ireland Act 1998 other than a power to make regulations or give a direction, or
 - (b) a function ancillary to such a function;
 - “Northern Ireland Minister” includes the First Minister and deputy First Minister acting jointly.

7 Concurrent powers and powers of direction: supplementary provision

- (1) The fact that a matter has not been brought to the attention of, or discussed and agreed by, the Executive Committee of the Assembly is to be disregarded when determining what a Northern Ireland Minister, Northern Ireland department or identity and language authority could do for the purposes of [section 6\(1\)](#) and [\(2\)](#).
- (2) A Northern Ireland Minister, Northern Ireland department or identity and language authority must comply with a direction under [section 6\(2\)](#) irrespective of whether any matter has been brought to the attention of, or discussed and agreed by, the Executive Committee of the Assembly.
- (3) A direction under [section 6\(2\)](#) does not require a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duty to comply with a direction under [section 6\(2\)](#)).
- (4) The power in section 44(1) of the Northern Ireland Act 1998 (power to call witnesses and documents) is not exercisable in relation to an excluded person in connection with the exercise of a function under or in accordance with a direction under [section 6\(2\)](#).
- (5) Subsection (4) does not apply in relation to an excluded person who is or has been an identity and language authority, or works or has worked for or on behalf of an identity and language authority, in connection with the person’s time as or with the authority.
- (6) In this section—
- “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);
 - “excluded person” means a person—

Status: This is the original version (as it was originally enacted).

- (a) who is or has been a Minister of the Crown, or
- (b) who is or has been in Crown employment within the meaning of Article 236 of the Employment Rights (Northern Ireland) Order 1996.

8 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.

PART 3

CONSEQUENTIAL AND GENERAL PROVISION

9 Consequential amendments

- (1) In section 96 of the Northern Ireland Act 1998 after subsection (4A) insert—
 - “(4B) The powers to make regulations under sections 78F, 78Q and 78U are exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
 - (4C) Regulations may not be made under section 78F, 78Q or 78U unless a draft of the regulations has been laid before and approved by resolution of the Assembly.”
- (2) In Schedule 1 to the Superannuation (Northern Ireland) Order 1972 ([S.I. 1972/1073 \(N.I. 10\)](#)) (employments to which Article 3 can apply) insert at the appropriate place—
 - “A member of the Office of Identity and Cultural Expression”
 - “Employment by the Office of Identity and Cultural Expression”
 - “Irish Language Commissioner”
 - “Employment by the Irish Language Commissioner”
 - “Commissioner for the Ulster Scots and the Ulster British tradition”
 - “Employment by the Commissioner for the Ulster Scots and the Ulster British tradition”.
- (3) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) insert at the appropriate place—
 - “A member of the Office of Identity and Cultural Expression.”

“Irish Language Commissioner.”

“Commissioner for the Ulster Scots and the Ulster British tradition.”

- (4) In Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4 (N.I.)) (authorities subject to investigation) insert at the appropriate place under “Miscellaneous”—

“The Office of Identity and Cultural Expression”

“Irish Language Commissioner”

“Commissioner for the Ulster Scots and the Ulster British tradition”.

- (5) In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (offices and bodies which are public authorities for the purposes of the Act) insert at the appropriate place—

“The Office of Identity and Cultural Expression.”

“Irish Language Commissioner.”

“Commissioner for the Ulster Scots and the Ulster British tradition.”

10 Commencement

- (1) [This Part](#) comes into force on the day on which this Act is passed.
- (2) [Parts 1](#) and [2](#) come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (3) Regulations under [subsection \(2\)](#) may appoint different days for different purposes.

11 Extent

This Act extends to Northern Ireland only.

12 Short title

This Act may be cited as the Identity and Language (Northern Ireland) Act 2022.