

Communications & Information Standards



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Our Ref: FOI 62-11

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18 November 2011

Dear Ms Zepf

Freedom of Information Act 2000

I am writing to confirm that the Northern Ireland Assembly holds the information which you requested on 18 October 2011. In your request you asked for the following information: -

“What is the statutory, administrative or political basis of Members’ practice when exercising their legal right under Standing Order 78 of providing translations into English of what they have just said, e.g. another Standing Order, a precedent sent by a past Speaker, the discretion of the current Speaker or Deputy Speaker, or an inter-party agreement? In particular, is the practice voluntary or compulsory, and is it admissible for sanctions to be applied in the case of non-compliance?”

An Irish interpreter has been retained for many years without the simultaneous translation facility being extended beyond the Speaker and Clerk to ordinary Members – at what one assumes would be comparatively modest cost. Has the issue been raised with the Office of the Speaker? If so, what decision was reached in that regard, and what was the reasoning behind it?

In the Chamber Irish is by far the most commonly used language other than English (use of Ulster Scots being nugatory or non-existent), and there is a strong correlation between use of Irish, political opinion and religious belief. Has the Office of the Speaker considered the potential for indirect discrimination against groups listed in section 75 of the Northern Ireland Act 1998 of requiring Members to translate what they have just said? In order to minimise the risk or impact of such indirect discrimination, is it the policy of the Office of the Speaker to allow reasonable adjustment to the time allotted to Members so that they may comply? If the Office of the Speaker has no official policy, what are the individual policies of the Speaker and his Deputies in that regard when performing their official functions?

Without out prejudice to your obligation under the Act to provide answers to the above questions, we also request copies of all documentation, correspondence and records relevant thereto.”

In your request you ask what the statutory, administrative or political basis is for Members’ practice when they provide translations into English. Section 41(1) of the Northern Ireland Act 1998 states that proceedings of the Northern Ireland Assembly shall be regulated by Standing Orders and Standing Order 78 states that Members may speak in the language of their choice. It has long been the convention that, as a courtesy to other Members, any Member speaking in a language other than English must translate their remarks into English.

Paragraph 4.6 of the Northern Ireland Assembly Companion - Rulings, Convention and Practice, which was published in 2004, states:-

“Language to be used in the Chamber”

The relevant Standing Order (SO 73) [the number has since changed] is very clear that Members may speak in the language of their choice. However, the question of whether or not to provide a translation service has been a vexed one.

As early as 14 December 1998 (Vol 1 page 243) [Hansard reference] the then Initial Presiding Officer explained to the Assembly that he, and the Clerks, would be provided with an English translation (of Irish) so that he could “fulfill my function of ensuring that all contributions, whether in English or in Irish, conform to the rules of the Assembly.”

Early rulings on the matter, such as that given on 1 March 1999 (Vol 2 page 147) concentrated on the requirement for courtesy to

other Members. A Member, who had spoken in Irish, had said that she thought the translation provided to the Speaker would suffice. The Speaker replied:

“I have from a very early stage made it clear that a translation is a courtesy to other Members; it is not to clarify the position for me. I have taken the precaution of making arrangements for myself so that I can know if a translation that is proffered is a reasonably accurate translation of what was said. However, I have always taken the view — and this is one that I have expressed to the Assembly and which Members have never challenged — that when Members speak in another language they should give a translation out of courtesy to the other Members.”

However, on 20 November 2000 (Volume 7 page 201) [Hansard reference] the Speaker responded to a point of order in a stronger fashion. The response also refers to a report on the subject of simultaneous translation, and covers ministerial statements as well as other contributions to debate:

“The position is clear. When responses are made in a language other than English, a full and accurate translation must be given. On a number of occasions I have checked the matter. For Members who wish to have a simultaneous translation, a report showing the costs and other details has been available for over 18 months. It is simply a matter of a proposal to be taken forward by the Business Committee. My ruling is clear: any statements made in a language other than English must be translated fully and accurately.”

This position has been reinforced by subsequent Speakers. Members have been reminded, on a number of occasions, that when they choose to speak in another language they must provide an English translation. Members who choose to ask a question in a language other than English have also been reminded that the “normal rules” relating to brevity apply. It is, therefore, compulsory for remarks made in another language to be translated into English.

You also ask whether the issue of simultaneous translation being extended to other Members has been raised with the Speaker and whether the potential for indirect discrimination against section 75 groups has been considered. The extract from the Assembly Companion quoted above indicates that the simultaneous translation issue was considered and relevant papers are in the appendices to this letter.

In relation to your comment about making reasonable adjustments to the time allotted to Members to enable them to comply with the need to translate, it is for Members to decide how to use the time available to them. Within their time allocation Members must ensure that any comments that are not in English are fully translated. The Speaker and the Deputy Speakers operate within Standing Orders, rulings and conventions when chairing plenary business. This includes an element of discretion to ensure the smooth flow of business regardless of which language members choose to use.

Please find the following information attached at **Appendix A**:

- A schedule of relevant documentation requested, which is attached at Appendix B.
- Extract from Minutes of The New Northern Ireland Assembly Shadow Commission Meetings;
- Extract from briefing papers to the Initial Presiding Officer for Shadow Commission Meetings.

Please find a copy of relevant documentation, as noted in the schedule in Appendix A, attached at **Appendix B**.

If you feel that the information we have provided does not meet your request fully please contact this office as soon as possible. You have the right to request a formal review by the Northern Ireland Assembly and if you wish to do so, please write to me at the above address.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF who will undertake an independent review.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above.

Yours sincerely



Aoibheann Baker
FOI Unit

Appendix A

Schedule of documents attached for release

Date	Document Description	Document Title
17.01.01	Letter from Lord Alderdice, The Speaker to Dr Seán Farren MLA, Minister of Higher and Further Education, Training and Employment	Use of Irish Language in the Chamber
25.2.99	Memo to PS/Speaker from Gail McKibbin, Northern Ireland Assembly	Simultaneous Translation Facility
26.1.99	Memo to Members of the Shadow Commission from Mr Tom Evans, Northern Ireland Assembly	Simultaneous Translation
17.12.98	Memo to Presiding Officer; Members of the Shadow Commission from Mr Tom Evans, Northern Ireland Assembly	Visit to Cardiff 2-3 December – Simultaneous Translations
26.11.98	Memo to the Speaker from Special Adviser to the Speaker, Niall Johnston	Visit to the Oireachtas: 19-20 November Simultaneous Translation
20.11.98	Memo to Members of the Shadow Commission from Mr Tom Evans, Committee Office, Northern Ireland Assembly	Simultaneous Translation Facilities
19.11.98	Memo to the Speaker from Special Adviser to the Speaker, Niall Johnston	Simultaneous Translation

Extracts from Minutes of The New Northern Ireland Assembly Shadow Commission Meetings

1. Meeting Date: 10.11.98 - Simultaneous Translation Facility

“Mr Evans to provide a report for the next meeting. Mr Johnston to visit the Dáil and report back also”.

2. Meeting Date: 20.11.98 – Simultaneous Translations

“Mr Evans tabled a short paper on Simultaneous Translation facilities provided by the Dáil to the Welsh Office. The Initial Presiding Officer informed Members of Mr Johnston’s visit to the Dáil and promised a report at the next meeting. It was agreed that Mr Evans should follow up with the Welsh Office on the cost of establishing a Simultaneous Translation facility.”

3. Meeting Date: 26.11.98 – Simultaneous Translations

“The Initial Presiding Officer tabled Mr Johnston’s report on his visit to the Oireachtas. It was agreed that the Shadow Commission’s role is not to decide whether a simultaneous translation facility should be in place but to explore how it might be provided if required by the Assembly. Mr Elder, Mr Evans and Mr Johnston are meeting the Welsh Office on 2/3 December.”

4. Meeting Date: 18.12.98 - Simultaneous Translations

“Mr Evans tabled a paper on his visit to the Welsh Office. The Initial Presiding Officer explained that he needed to understand contributions spoken in Irish and that the provision of simultaneous interpretation facilities for the Speaker, the Deputy Clerk and Second Clerk at the last plenary in no way pre-empted any decision which the Standing Orders Committee may make. The Initial Presiding Officer stated that a substantive paper, on simultaneous translation facilities in other Parliaments, will be prepared for the Commission, which can be made available to the Assembly if formally requested by the Standing Orders Committee.”

5. Meeting Date: 29.1.99 - Simultaneous Translations

“A paper on simultaneous translation had been circulated in advance of the meeting. The Initial Presiding Officer explained that he had informed the joint chairman of the Standing Orders Committee that a report, setting out how simultaneous translation facilities could be established, is now available.”

Extracts from Brief for Shadow Commission Meetings -

Brief prepared for the Initial Presiding Officer by the Clerk to the Shadow Commission, Tom Evans

1. Date of Brief: 10.11.98 – Simultaneous Translation

“I have now identified two contacts in Brussels and one in the Dáil, and will have a report for the next meeting.”

2. Date of Brief: 19.11.98 - Simultaneous Translation Facilities

“I have prepared a short paper for the meeting outlining my initial research. Further work required. I will be going back to the Welsh Office and will be meeting with John Kennedy next week.”

3. Date of Brief: 26.11.98 – Simultaneous Translations

“I have arranged for Niall, Alex Elder and myself to visit the Welsh Office on 2/3 December. Will be meeting Welsh Office colleagues responsible for Simultaneous Translation facilities and Hansard. We will also be meeting people from the Welsh Language Board and Gwynedd County Council.”