

## Communications & Information Standards



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Dear Ms Zepf

### **Freedom of Information Act 2000**

Thank you for your recent correspondence, received on 23 December 2011, in regard to the content of our letter, dated 18 November 2011, responding to your Freedom of Information request.

Your queries raised are as follows:

- a) In the first paragraph you confirm that the Assembly “holds the information which [we] requested”. You also acknowledge that we have asked “whether the potential for indirect discrimination against section 75 groups has been considered”. Unfortunately, I can identify no answer to that simple factual enquiry in your response, and I should be grateful if you could now provide us with a clear “yes” or “no”.

**The Northern Ireland Assembly Commission (‘the Commission’) does not hold information on whether the potential for indirect discrimination against groups listed in section 75 of the Northern Ireland Act 1998 occasioned by requiring Members to translate what they have said in proceedings of the Assembly has been considered.**

Legislation and documentation regarding the Commission's section 75 duties can be found in the following link to the NI Assembly website.  
<http://www.niassembly.gov.uk/ABOUT-THE-ASSEMBLY/Corporate-Information/Policies/Equality-Scheme-2011/Equality-Scheme-2008---2011-/>

- b) I also noted that the formatting applied to paragraph 4.6 of the Northern Ireland Assembly Companion – Rulings, Convention and Practice is continued after the end of the quotation, with the result that it is not clear at all when the quotation ends and your own text begins again. I should be grateful if you could reformat your response to eliminate any ambiguity in that regard.

Please find the reformatted paragraph 4.6 of the Northern Ireland Assembly Companion detailed below.

**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 sometime in 1999 however records are not available to detail the issues examined at that time.**

**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.**

I hope this clarifies the issues you have raised. Please contact me if you require any further assistance.

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



**MARTINA DALTON**  
Information Standards Officer