

SIGN LANGUAGE BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by the Department for Communities (“the Department”) to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and neither is it meant to be, a comprehensive description of the Bill. Where a clause or part of a clause does not seem to require an explanation or comment, none is given.

PURPOSE

3. This Bill makes provision for the recognition and promotion of British Sign Language and Irish Sign Language with associated duties placed on listed prescribed organisations, including to take reasonable steps to ensure that the sorts of information and services provided by it are as accessible to individuals in the deaf community as to those individuals who are not in the deaf community.

BACKGROUND

4. Uniquely across the UK, Northern Ireland has two sign languages – British Sign Language (BSL) and Irish Sign Language (ISL). In March 2004, the Northern Ireland Secretary of State formally recognised BSL and ISL as languages in their own right.
5. This recognition does not provide any legal protection for the languages. Neither language is covered by the European Charter for Regional and Minority Languages. There has been no Executive recognition or formal Executive agreed Policy or Strategy document to date. The British Sign Language Act 2022 recognises British Sign Language as a language of England and Wales and Scotland but does not extend to Northern Ireland (which aligns with the approach taken in the Equality Act 2010).
6. BSL and ISL are the first or preferred means of communication for many people who are profoundly deaf and are used by a significant number of their families and friends. They are languages in their own right which use hand shapes, movement of the hands, body language, facial expressions and lip patterns to convey meaning. They also have their own grammar, vocabulary and idioms completely different from the grammatical rules of the spoken language.

7. For many Sign Language users, spoken and/or written language is their second or even third language. As with all linguistic minorities, members of the deaf community may have varied levels of English. While some Sign Language users are bilingual in both Sign Language and English, others may have limited literacy skills. This means that misunderstandings can easily arise, especially when using more complex concepts or grammar, or less common words.
8. As such, like many other minority and non-English language users, Sign Language users may not necessarily read or understand information on government websites or printed leaflets and various types of literature unless these are translated into their native BSL or ISL. As a comparison, most hearing English language users in Northern Ireland may not understand information provided through BSL and/or ISL.
9. Therefore, BSL/ISL users in Northern Ireland can experience social exclusion as a direct result of linguistic exclusion which can adversely affect their access to education, employment, healthcare and public services generally.
10. In passing, it is acknowledged that some people prefer the use of the large 'D' when referring to the 'Deaf' community to reflect their belonging to that community in a cultural and linguistic minority context. The references in the Bill are however framed with the lower case 'd' for deaf as a matter of ordinary language in the legislative context, although the references to BSL and ISL have initial capitals to reflect the use of their formal names in the legislative context.

PREVALENCE

11. Whilst there is robust data held on the number of deaf and hard of hearing people in Northern Ireland, there is no such data for the number of sign language users. The 2012 Parks and Parks report 'A Survey Report of the Deaf People of Northern Ireland' references the difficulties in determining numbers for deaf populations which often differ dramatically, based on counting methodology. The report references multiple sources of varying data on the prevalence of BSL and ISL users in Northern Ireland, all of which are estimates.
12. Census 2021 contained detailed statistics on deafness and partial hearing across local government districts. However, in response to the question 'what is your main language', it returned figures of 539 for BSL, 90 for ISL and 20 for unspecified sign language. The Continuous Household Survey (CHS) 2021/22 reports that one out of every ten adults (10%) in Northern Ireland were able to communicate using Sign Language.
13. The former Department of Culture, Arts, and Leisure (DCAL) published its document *Best Practice Guidance on providing public services to deaf people who use BSL or ISL* which provided an estimate for the number of BSL/ISL users in Northern Ireland. Therefore, given the range of prevalence figures, it would appear prudent to use the DCAL figures which estimated that there are at least 5,000 people in Northern Ireland who use sign language as their preferred means of communication (estimated at 3,500 people who use BSL and 1,500 who use ISL).

POLICY OBJECTIVES

14. The Bill recognises and promotes British Sign Language and Irish Sign Language, including the right to use, develop and preserve BSL and ISL, as well as to develop deaf culture, whilst preserving the architecture of disability legislation.
15. The Bill directs that the lead department - the Department for Communities - must issue guidance and best practice on BSL or ISL, and the interests of the deaf community as the Department considers appropriate, to prescribed organisations. It will take account of any representations from those organisations or any person or group appearing to it to be acting on behalf of the deaf community as part of that process. Such best practice may inform the development of plans by listed prescribed organisations.
16. The intention is to ensure that those organisations take all reasonable steps to ensure that the information and services provided by it are as accessible to individuals in the deaf community as they are to individuals who are not in the deaf community
17. The lead department's duty to promote greater use and understanding of BSL or ISL includes (in particular) its obligation to provide for the availability of classes for deaf children, and their close families, guardians and carers, to learn (or improve proficiency in) BSL or ISL.
18. The Bill also provides for the accreditation of BSL/ISL interpreters and teachers to provide assurance of professional competence.
19. For the purposes of the Bill, appropriate definitions of members of the deaf community and the different forms of sign languages used by the deaf community in Northern Ireland are included.

CONSULTATION

20. The Bill's policy proposals were subject to an extensive and fully BSL/ISL inclusive sixteen weeks public consultation in 2016 which demonstrated overwhelming support for the policy proposals for a Sign Language Bill. Full engagement with the NI deaf community has been on an ongoing basis through a variety of avenues such as the cross-departmental/deaf sectoral Sign Language Partnership Group which is chaired by the Department for Communities.
21. In addition, multiple deaf community meetings, presentations and roadshows have been held across venues in Northern Ireland. Departmental officials have also addressed members of the deaf community at the Queen's University Belfast (QUB) Sign Language Network and the 2024 QUB Sign Language conference.
22. The Department for Communities seconded the NI Manager of the British Deaf Association (NI) to help develop policy and communicate its intent to the local deaf community. As consultation and engagement with the deaf community and other

stakeholders is ongoing, no further formal consultation is planned with regard to the Bill.

OPTIONS CONSIDERED

23. The provisions were developed following an options appraisal with two options considered:
- (i) Option 1 - Do nothing and continue with recourse to disability legislation which puts persons under a duty to make reasonable adjustments across a wide range of sectors and public services.
 - (ii) Option 2 – Bring forward primary legislation to recognise and promote British Sign Language and Irish Sign Language, including the right to use, develop and preserve BSL and ISL, as well as to develop deaf culture, whilst preserving the architecture of disability legislation
24. As Option 1 would not meet the policy objectives of providing for the cultural and linguistic recognition and promotion of BSL and ISL, Option 2 as provided for in the Bill is therefore the preferred option.

OVERVIEW

25. The Bill has 15 substantive clauses. Any reference in this Memorandum to a numbered section is to that clause of the Bill. A commentary on the provisions follows. This Memorandum will be translated into BSL and ISL.

COMMENTARY ON CLAUSES

PART 1

Clause 1: Official recognition of sign languages

The Bill formally recognises British Sign Language (BSL) and Irish Sign Language (ISL) as languages of Northern Ireland whilst preserving the architecture of existing disability and equality legislation. Therefore, in recognising British Sign Language and Irish Sign Language as a language in law, the Bill does not affect the operation of any enactment or rule of law.

Clause 2: Promotion of interests by lead department

The Bill provides for the Department for Communities to promote: the greater use and understanding of BSL and ISL; the general entitlement of individuals in the deaf community to use BSL or ISL; and the further development of deaf culture by the deaf community through the use of BSL and ISL.

The lead department's duty to promote greater use and understanding of BSL or ISL includes an obligation to provide for the availability of classes for deaf children, and their close families, guardians and carers, to learn (or improve proficiency in) BSL or ISL.

Clause 3: Organisations to take reasonable steps

The Bill places a duty on prescribed organisations to take all reasonable steps to ensure that the information and services provided by them are as accessible to members of the deaf community as they are to individuals who are not in the deaf community, and to offer or facilitate the use of BSL or ISL for the benefit of individuals in the deaf community in accessing information and services provided by the organisation. Reasonableness of steps includes consideration in terms of affordability and practicability for prescribed organisations, but on the basis that accessibility should be at no extra inconvenience or additional cost to individuals in the community.

Clause 4: Organisations to be listed in regulations

The Bill provides for the Department for Communities to make regulations to list the public bodies (to be referred to as prescribed organisations) that are subject to the duties within clause 3.

Clause 5: Department to issue guidance

The Department for Communities must issue guidance about the effect of the provisions relating to BSL and ISL, and the interests of the deaf community, as the Department deems appropriate. In addition, the Department may review, issue revised guidance and publish revised guidance on its website.

The Department when devising (or reviewing) guidance must consult each of the prescribed organisations, and at least one person or group appearing to the Department to be acting on behalf of the deaf community. All the prescribed organisations must have regard to guidance issued in connection with providing information and services.

Clause 6: Best practice to be in guidance

The Department's guidance should include best practice advice on the implications for public bodies, including prescribed organisations, of the recognition of BSL and ISL. This includes what may be (or is to be) viewed as amounting to reasonable steps to be taken by prescribed organisations; how prescribed organisations should develop plans to be called sign language action plans; and set out advice on best practice for interacting with people who rely for communication on BSL or ISL.

Clause 7: Department may make regulations

The Department for Communities may by regulations make provision for the purposes of the Bill, as the Department considers appropriate. Regulations may relate to (in particular) the offering or facilitation of the use of BSL and ISL; the accessibility by people in the deaf community to information and services through the use of BSL or ISL; and support of particular kinds to be made available specially for people who rely for communication on BSL and ISL. The Department must by regulations list which public bodies are prescribed organisations for the purposes of this Bill.

The Department must by regulations list which public bodies are prescribed organisations for the purposes of the Bill. Regulations may confer functions on the prescribed organisations, the Department for Communities alone or each Northern Ireland department in the same way, or persons or groups appearing to the Department for Communities to be acting in the interests of the deaf community, and willing to exercise more functions in the interests of the deaf community.

Regulations may limit the operation of the Bill (including provisions in such regulations) in specific respects, and in relation to particular prescribed organisations except the Northern Ireland departments, if, having regard to the scale of their resources or the nature of their functions, the Department for Communities believes this to be appropriate.

In deciding whether to prepare (or whenever reviewing) regulations, the Department must take account of any relevant representations received by it from any of the prescribed organisations, or any person or group appearing to it to be acting on behalf of the deaf community

Clause 8: Procedure for making regulations

Before laying a draft of such regulations, the Department for Communities must consult at least one person or group appearing to the Department to be acting on behalf of the deaf community. Such regulations need to be laid before and approved by the Assembly

Clause 9: Department to publish 5-yearly reports

The Department for Communities must prepare a report evaluating the impact of the Bill within five years of the Bill's commencement and every five-year period after that.

Clause 10: Accreditation of teachers and interpreters

The Department for Communities must by regulations make a scheme for the purpose of, or in connection with, the accreditation of (either or both) teachers of BSL or ISL, or interpreters of BSL or ISL. The scheme may include provision for applications to become accredited persons, the registration of accredited persons, and criteria and conditions to be met in order for persons to become or remain accredited (especially as to matters of professional competence).

Clause 11: Members of the deaf community

For the purposes of the Bill, the deaf community is defined as comprising of all people falling within one or more of the following paragraphs:

- (a) individuals who rely for communication on BSL or ISL,
- (b) deaf or deafblind people who normally use BSL or ISL for communication (including people who can obtain some or better levels of hearing when assisted by auditory devices); or
- (c) children of deaf or deafblind people who habitually or occasionally use BSL or ISL for communication (including children who have some or full hearing).

In addition, people who (whether or not they have some or full hearing) have little or no understanding of spoken or written language in English but are able to communicate effectively in BSL or ISL, are to be regarded as if members of the deaf community for the purposes of the Bill.

Clause 12: Different forms of sign languages

For the purposes of the Bill, reference to BSL or ISL is to either or both of the visual form of the Language as commonly used and understood by deaf people, and the common tactile or non-visual forms of the Language as used and understood by some deafblind people.

Clause 13: Everyday reliance on sign languages

Everyday reliance on BSL or ISL is defined for the purposes of the Bill to refer to someone who relies (wholly or substantially) on BSL or ISL by necessity or for convenience in the course of everyday activities.

PART 2

Clause 14 Commencement

The provisions for commencement and the short title come into operation on the day after the day on which the Bill receives Royal Assent. The rest of the Bill comes into operation on such day or days as the Department for Communities may by order appoint.

Clause 15: Short title

The short title is given as the Sign Language Act (Northern Ireland) 2025

FINANCIAL EFFECTS OF THE BILL

- 26. There will be no immediate financial implications – outside of current disability reasonable adjustments - because the Bill takes enabling powers to implement duties which may incur costs at a later date. There will be a need to develop and fund the appropriate level of infrastructure and schemes to deliver on the intent of the Bill and these will be outlined by the Department of Communities which may by regulations make provision for these associated matters.

HUMAN RIGHTS ISSUES

- 27. The Department considers that the Bill is compatible with section 24 of the Northern Ireland Act 1998 and the European Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

28. A screening exercise was undertaken on the proposals in accordance with Section 75 of the Northern Ireland Act 1998 and did not identify any issues adversely affecting any Section 75 groups.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

29. A Regulatory Impact Assessment has been completed and there is no direct impact on business, charities, or voluntary bodies.

DATA PROTECTION IMPACT ASSESSMENT/DATA PROTECTION BY DESIGN

30. A Data Protection Impact Assessment has been completed. No negative impacts were identified.

RURAL NEEDS IMPACT ASSESSMENT

31. A Rural Needs Impact Assessment has been completed. No negative impacts were identified.

LEGISLATIVE COMPETENCE

32. At Introduction, the Minister for Communities, Mr Gordon Lyons, had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Sign Language Bill would be within the legislative competence of the Northern Ireland Assembly.”



**Northern Ireland
Assembly**

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ISBN: 978-1-78619-721-4