



PP Irish whg
Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

Rt Hon the Lord Mackay of Clashfern QC
House of Lords
London
SW1A 0PW

5 November 1992

Dear James
COUNCIL OF EUROPE CONVENTION ON REGIONAL AND MINORITY LANGUAGES

Thank you for your letter of 13 October indicating your agreement in principle to the removal of the legislative barrier to the use of Irish in courts. We can now seek an appropriate opportunity to make known the Government's decision to proceed in that direction. The timing and style of an announcement can be considered further by our officials, although I suspect that it will be in low key.

I do appreciate that the Administration of Justice (Language) Act (Ireland) 1977 has not prevented the court from exercising its discretion to permit the giving of oral evidence in Irish, though legal advice continues to be that its existence would prevent ratification of the Convention by the United Kingdom Government. I also fully accept that the practice of the courts will remain a matter for judicial discretion.

I should be grateful, however, if you would agree to consider further the scope for exercising that discretion in a manner which might reflect the liberalising approach which has emerged from our Irish language policy review and which, as you know, I am particularly keen to reflect in a number of relatively minor but symbolically important changes. In particular, placing Irish on the same basis as Welsh in respect of oral evidence rather than on a par with non-indigenous languages, as you have indicated, would be

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welcome. I note that you recently approved extending the freedom of choice afforded to Welsh speakers involved in judicial proceedings, in the context of the Welsh Language Bill, though full parity of treatment would not be justified here.

I believe that the limited measures we are suggesting will meet with approval from Irish language interests and others but that in practice it will not lead to any significant demand. Those who would like to embarrass the Government on this issue have made little use so far of their ample opportunity to do so. Amongst Irish speakers generally there has been a low-key reaction from those who are aware of the one case which has occurred to date where the giving of oral evidence in Irish was permitted. It is expected that cost implications would in practice be very minor.

If you agree perhaps officials can consider further the scope for the favourable exercise of judicial discretion, any necessary administrative arrangements and the options for legislative change.

I am copying this letter to members of EDH, to Douglas Hurd and to Sir Robin Butler.

cc
PS/SofS (B&L).
MS/ME Hanley (B&L, B&L)
PS/PUS (B&L)
PS/ME Fell
MR Sample
MR Thomas
MR Aliston
MR Bell
MR Watkins
MR D A Hill
MR McCusker
MR McCartney
MR Bailie, NI Court Service
MS McAlister

Handwritten signature: J. Hanley
Handwritten signature: P. Hurd

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