



SIGN LANGUAGE BILL

DELEGATED POWERS MEMORANDUM

DEPARTMENT FOR COMMUNITIES

March 2025



Introduction

1. The purpose of the Sign language Bill is to support the cultural and linguistic needs of the deaf community whilst preserving the architecture of disability legislation and any other established rights of individuals in the Deaf community.
2. The Bill makes provision for the recognition and promotion of British Sign Language (BSL) and Irish Sign Language (ISL) with associated duties placed on the listed prescribed organisations, including the duty to take reasonable steps to ensure that the public information and services provided by them are as accessible to individuals in the deaf community as those individuals who are not in the deaf community. It also makes provision for the Department to promote the right of the deaf community to develop deaf culture.
3. This memorandum explains the purpose of the delegated powers provided for within the Bill, the reason for the delegation and the rationale for the chosen control.
4. The Department for Communities has considered in each case the appropriate procedure to be followed in exercising the delegated powers under the Bill. The commentary below on each power sets out which Assembly procedure has been proposed and why that procedure is considered appropriate.
5. For convenience this memorandum, is comprised of three parts: -
 - Part One: Clause 4 - Prescribed organisations;
 - Part Two: Clause 7 - Facilitation of the use of BSL and ISL; and
 - Part Three: Clause 10 - Accreditation of teachers and interpreters.
6. Clause 4 of the Bill instructs the Department to make regulations listing public bodies as prescribed organisations for the purposes of clause 3. The clause stipulates that all government Departments shall be listed. The regulations are subject to the negative resolution procedure of the Assembly.



7. Clause 7 of the Bill gives the Department a power to make regulations in respect to any matters raised in Part 1 of the Bill or matters in respect to British Sign Language or Irish Sign Language, or the interests of the deaf community.
8. Clause 10 stipulates that the Department must make regulations around the accreditation of BSL and ISL teachers and/or interpreters.

Analysis of Delegated Powers by Clause

Part One

Clause 4 – Prescribed organisations

9. The clause instructs the Department to make regulations listing public bodies as ‘prescribed organisations’. The regulations are subject to negative resolution procedure of the Assembly.

Reason for Delegation and Rationale for Control

10. This power stipulates that all Executive Departments shall always be listed as prescribed organisations, whilst all other public bodies must be consulted with before the Department makes such a list. The regulations themselves neither establish nor impose any duties but rather list all prescribed organisations. Duties in respect to prescribed organisations are set out under *Organisations to take reasonable steps* in clause 3 of the Bill. As the policy intent is to capture all public bodies within Northern Ireland as prescribed organisations, it is therefore deemed that the negative procedure mechanism is the appropriate approach.

Part Two

Clause 7 – Facilitation of the use of British Sign Language and Irish Sign Language



11. The clause provides the Department with powers to make regulations in respect to part 1 of the Bill (clauses 1-13), covering issues in respect of the cultural and linguistic needs of the deaf community.

12. These include: –
 - provision for the purpose or in connection with the matters within this Part (clauses 1-13), including things which could be the subject of guidance under Chapter 2: i.e. the oversight role of the lead department; that being the Department for Communities;
 - matters as to BSL and ISL or the interests of the deaf community as the Department considers appropriate;
 - the offering or facilitation of the use of BSL and ISL and the accessibility to people in the deaf community of information and services through the use of BSL and ISL;
 - particular kinds of support to be made available specially for people who rely for communication on BSL and ISL;
 - regulations that may confer functions on prescribed organisations, departments and persons or groups acting in the interests of the deaf community, and willing to exercise more functions in the interests of the deaf community; and
 - limiting the operation of the bill in specific respects in relation to particular prescribed organisations (except the NI 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.

13. The clause also stipulates that, in making or reviewing regulations, the Department must take account of any relevant representations from any of the prescribed organisations, or any person or group appearing to it to be acting on behalf of the deaf community.



14. The clause permits consequential amendments to any statutory provision in operation in Northern Ireland, if necessary (section 1(f) of the Interpretation Act (Northern Ireland) 1954).
15. However, before making any such regulations the Department must consult everyone on whom functions are to be conferred by them and at least one person or group appearing to the Department to be acting on behalf of the deaf community.
16. All regulations made under this clause must go through the affirmative procedure of the Assembly.

Reason for Delegation and Rationale for Control

17. This delegated power is a standard safeguard which is used in order to prevent the need for minor changes to primary legislation. Its use gives the Department more flexibility to decide when or how to implement facilities around the use of BSL and ISL, through consultation with prescribed organisations and members of the deaf community.
18. Although the powers are wide ranging and enable regulations to be made in respect to clauses 1-13, they are limited to the cultural and linguistic needs of the deaf community.
19. The clause is not intended to make regulations with respect to the functions under policy remits of other departments which may impact the deaf community. The demarcation of departmental functions and the need for Executive approval on cross-cutting policy matters prohibits such a course of action.
20. The cross-cutting element of this Bill for which Executive approval was granted relates to accessibility to the public information and services for sign language users which are available through public bodies. Should there be a substantive



change to the policy intent that was the basis upon which the Executive approved the original Bill, Executive approval must be sought.

21. The Bill is predicated on a co-design basis exemplified by the development of the statutory guidance with the deaf community. It is this guidance that will set out best practice and provide definitions of accessibility etc. The Department is confident that this is the best methodology to promote and deliver the intention of the bill. The clause however provides further safeguards to enable regulations to define certain terms and functions if legal clarity is deemed appropriate around an issue.
22. The clause future proofs the Bill, providing the Department with the ability and agility to make regulations quickly to tackle unforeseen circumstances which is important in the modern world where change is rapid and often unforeseen.
23. This was demonstrated at the onset of the COVID-19 pandemic in March 2020 when public health messaging was key to slowing the spread of the virus. At the onset of the first lockdown keeping up to date with public health information was the main tool in prevention of the spread of the virus. Although coronavirus information was headlines across mainstream media – television, radio and newspapers - the deaf community did not immediately have the same access to this information due to the language barriers they faced which placed them in a perilous public health position.
24. Although the Department responded quickly to redress the inequitable access to public health information and services in partnership with health colleagues and representatives of the Deaf community, this support can be viewed as discretionary rather than statutory given that it was prompted by a pandemic. The deaf community sought assurances that such a scenario could not happen again. This clause contributes to that assurance to ensure that the deaf community can access information and services through BSL and ISL in all circumstances.
25. The Department has no immediate intention to make regulations under this clause. However, circumstances may arise, for example, whereby a prescribed organisation is exempted from certain statutory duties or, technical enhancements



and advancement may require regulations. The clause does enable the Department to address such matters within its ambit and to keep up to date with potential technical and cultural developments. It is not viewed by the Department as a mechanism to amend the statutory provisions of other departments.

26. Checks and balances exist whereby no regulations can be made without consulting with the deaf community or other stakeholders first. Furthermore, as these regulations are considered important matters for Assembly deliberation, approval is required through the affirmative resolution procedure.

Part Three

Clause 10 – Accreditation of teachers and interpreters

27. The Department must by regulations make a scheme for the purpose of, or in connection with, the accreditation of BSL and ISL teachers and interpreters.

Reason for Delegation and Rationale for Control

28. The Department is tasked with making a scheme through regulations around the application, registration, the criteria and conditions of teachers and interpreters. The intent of the scheme is to provide assurance to users of their services as to matters of professional competence. The scheme may list membership of existing professional registration bodies as providing such assurances around accreditation. Therefore, as the regulations will be technical in nature it is deemed that the negative procedure mechanism is the appropriate approach.