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Dunne
7/8/12

K Pat.
B/F for
meeting

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Thank you.
achieve + ?
How do we

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cc: Mr Watkins
Mr Doherty
Ms McAlister

with
JB
P.
12/2

From: Mr T McCusker
7 December 1992
To: Mr J Bailie
NI Courts Service

UNDER/REC 309/12
-8DEC1992
CENT SIG

IRISH LANGUAGE

1. We had a useful discussion on Friday 4 December about the recent correspondence between the Secretary of State and the Lord Chancellor. This note is just to reflect on some of the issues we discussed.
2. We clarified the respective meanings of the Lord Chancellor's letter of 13 October 1992 and the Secretary of State's letter of 5 November 1992 and agreed that we were attempting to find a balance somewhere between a simple amendment of the legislation which might or might not bring about a change in the attitudes of the judiciary towards requests to use Irish in the Courts, and legislation which would allow the use of Irish in the Courts. We agreed that neither the Lord Chancellor or the Secretary of State would be likely to agree to the latter in isolation to any other changes in relation to the use of Irish in public administration.
3. We discussed the way ahead, and you agreed to consider whether there might be merit in suggesting to the Lord Chancellor that he might discuss with the Lord Chief

Justice the basis of the Government's more liberal policy towards Irish and to examine how judicial discretion might be exercised favourably towards the use of Irish. We also suggested that you might want to reflect in your submission:

- i. the fact that the Government was seeking to depoliticise the Irish language and that in the light of the Government's new liberal policy, a negative approach by the judiciary would, undoubtedly, be seen as political;
 - ii. there had to be a sense of proportion about the number of people who might be likely to use Irish in the Courts; CCRU will provide you with the statistics flowing from the 1991 Census;
 - iii. there was a European dimension to this. Both the Council of Europe and the European community gave considerable weight to linguistic rights. Should the United Kingdom ratify the Convention on regional or minority languages, the Government will come under considerable pressure to be seen to respond at least in some limited form; and
 - iv. that the area of discretion which CCRU supports is that of the right of a defendant or litigant to give oral evidence in Irish.
4. As I indicated, our Ministers would be keen to make an announcement about the overall outcome of our review of Irish language policy early in the new year and we will inevitably come under pressure to indicate the position in relation to the Courts. It would be helpful, therefore, if the Secretary of State could indicate that the Lord Chancellor would be making an early statement.

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5. You might want to consider a further discussion when you have framed a draft reply for the Lord Chancellor's office, and we would be more than willing to help.

T McCUSKER

TMCC3002/12/92