



Identity and Language (Northern Ireland) Act 2022

2022 CHAPTER 45

PART 2

POWERS OF THE SECRETARY OF STATE

6 Concurrent powers and powers of direction

- (1) The Secretary of State may do anything that a Northern Ireland Minister or Northern Ireland department could do in the exercise of an identity and language function.
- (2) The Secretary of State may direct a Northern Ireland Minister, Northern Ireland department or identity and language authority to do or not do anything that the Minister, department or authority—
 - (a) could do in the exercise of an identity and language function;
 - (b) could otherwise do (but this is subject to [subsection \(3\)](#)).
- (3) The Secretary of State may give a direction under [subsection \(2\)\(b\)](#) if the Secretary of State considers the direction appropriate—
 - (a) for the purpose of ensuring the effective operation of an identity and language authority, or
 - (b) in relation to the exercise, by the Secretary of State, of another function under this section.
- (4) After giving a direction under [subsection \(2\)](#), the Secretary of State must—
 - (a) lay a copy of the direction before Parliament, and
 - (b) publish the direction.
- (5) In this Part—

“identity and language authority” means—

 - (a) the Office of Identity and Cultural Expression;
 - (b) the Irish Language Commissioner;

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Identity and Language (Northern Ireland) Act 2022, Part 2. (See end of Document for details)

- (c) the Commissioner for the Ulster Scots and the Ulster British tradition;
 “identity and language function” means—
- (a) a function conferred by or under Parts 7A to 7C of the Northern Ireland Act 1998 other than a power to make regulations or give a direction, or
 - (b) a function ancillary to such a function;
- “Northern Ireland Minister” includes the First Minister and deputy First Minister acting jointly.

Commencement Information

- I1** S. 6 not in force at Royal Assent, see [s. 10\(2\)](#)
I2 S. 6 in force at 22.5.2023 by [S.I. 2023/566, reg. 2\(g\)](#)

7 Concurrent powers and powers of direction: supplementary provision

- (1) The fact that a matter has not been brought to the attention of, or discussed and agreed by, the Executive Committee of the Assembly is to be disregarded when determining what a Northern Ireland Minister, Northern Ireland department or identity and language authority could do for the purposes of [section 6\(1\)](#) and [\(2\)](#).
- (2) A Northern Ireland Minister, Northern Ireland department or identity and language authority must comply with a direction under [section 6\(2\)](#) irrespective of whether any matter has been brought to the attention of, or discussed and agreed by, the Executive Committee of the Assembly.
- (3) A direction under [section 6\(2\)](#) does not require a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duty to comply with a direction under [section 6\(2\)](#)).
- (4) The power in section 44(1) of the Northern Ireland Act 1998 (power to call witnesses and documents) is not exercisable in relation to an excluded person in connection with the exercise of a function under or in accordance with a direction under [section 6\(2\)](#).
- (5) Subsection (4) does not apply in relation to an excluded person who is or has been an identity and language authority, or works or has worked for or on behalf of an identity and language authority, in connection with the person’s time as or with the authority.
- (6) In this section—
 - “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);
 - “excluded person” means a person—
 - (a) who is or has been a Minister of the Crown, or
 - (b) who is or has been in Crown employment within the meaning of Article 236 of the Employment Rights (Northern Ireland) Order 1996.

Commencement Information

- I3** S. 7 not in force at Royal Assent, see [s. 10\(2\)](#)
I4 S. 7 in force at 22.5.2023 by [S.I. 2023/566, reg. 2\(h\)](#)

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PROSPECTIVE

8 Establishing the Castlereagh Foundation

- (1) The Secretary of State may—
 - (a) establish a body corporate or other organisation to be known as the Castlereagh Foundation, or
 - (b) provide grants for the establishment of such a body or organisation by another person.
- (2) A body or other organisation established or funded under subsection (1) must—
 - (a) have as its principal objective the funding and support of academic research into identity, including national and cultural identity and shifting patterns of identity, in Northern Ireland, and
 - (b) be operationally and financially independent from the Office of Identity and Cultural Expression (though this does not affect the Office’s functions under section 78H of the Northern Ireland Act 1998).
- (3) The Secretary of State may dispose of any interest in the Castlereagh Foundation.

Commencement Information

I5 S. 8 not in force at Royal Assent, see [s. 10\(2\)](#)

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Identity and Language (Northern Ireland) Act 2022, Part 2.