



Number 40 of 2017

Irish Sign Language Act 2017



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ACTS REFERRED TO

Broadcasting Act 2009 (No. 18)

Companies Act 2014 (No. 38)

Education Act 1998 (No. 51)

Education and Training Boards Act 2013 (No. 11)

Local Government Act 2001 (No. 37)



Number 40 of 2017

IRISH SIGN LANGUAGE ACT 2017

An Act to provide for the recognition of Irish Sign Language, its use in legal proceedings and the provision of interpretation into Irish Sign Language by public bodies and to provide for related matters. [24th December, 2017]

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act—

“Irish Sign Language” means the sign language used by the majority of the deaf community in the State;

“Minister” means the Minister for Justice and Equality;

“prescribed” means prescribed by regulations made by the Minister;

“public body” means:

- (a) a Department of State (other than, in relation to the Department of Defence, the Defence Forces) for which a Minister of the Government is responsible;
- (b) a local authority within the meaning of the Local Government Act 2001;
- (c) the Health Service Executive;
- (d) a university or institute of technology;
- (e) an education and training board established under section 9 of the Education and Training Boards Act 2013;
- (f) any other person, body or organisation established—
 - (i) by or under an enactment (other than the Companies Act 2014) or charter,
 - (ii) by any scheme administered by a Minister of the Government, or
 - (iii) under the Companies Act 2014 in pursuance of powers conferred by or under another enactment, and financed wholly or partly by means of money provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government;
- (g) a company (within the meaning of the Companies Act 2014) a majority of the shares in which are held by or on behalf of a Minister of the Government;
- (h) any other person, body, organisation or group prescribed under *section 6(5)*.

Regulations

2. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.
- (2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulations is passed by either House within the next 21 days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Recognition of Irish Sign Language

3. (1) The State recognises the right of Irish Sign Language users to use Irish Sign Language as their native language and the corresponding duty on all public bodies to provide Irish Sign Language users with free interpretation when availing of or seeking to access statutory entitlements and services.
- (2) The community of persons using Irish Sign Language shall have the right to use, develop and preserve Irish Sign Language.

Use of Irish Sign Language in legal proceedings

4. (1) A person may use Irish Sign Language in, or in any pleading in, any court.
- (2) Every court has, in any proceedings before it, the duty to do all that is reasonable to ensure that any person competent in Irish Sign Language and who cannot hear or understand English or Irish appearing in or giving evidence before it may be heard in that language, if that is his or her choice, and that in being so heard the person will not be placed at any disadvantage.
- (3) For the purposes of ensuring that no person is placed at a disadvantage as aforesaid, the court may cause such facilities to be made available, as it considers appropriate, for the simultaneous or consecutive interpretation of proceedings into Irish Sign Language.

Educational supports for deaf children

5. The Minister for Education and Skills shall—
 - (a) establish a scheme for the provision of Irish Sign Language classes to—
 - (i) the parents, siblings and grandparents of a child who is deaf, and
 - (ii) other persons who serve in *loco parentis* or as a guardian to a child who is deaf,
 - (b) pending the conclusion of the review of the Special Needs Assistant Scheme which the National Council for Special Education is undertaking and the implementation of any recommendations arising from the review, establish a scheme to provide Irish Sign Language support for children attending recognised

schools (within the meaning of the Education Act 1998) whose primary language is Irish Sign Language,

- (c) ensure there is established by institutions of higher education in the State, as part of programmes of teacher education and training provided by those institutions, such provision, as he or she deems necessary, to ensure that there are a sufficient number of educational placements offering Irish Sign Language training for teachers of children who are deaf or hard of hearing and who are attending recognised schools, and
- (d) shall, where practicable and having regard to the need to ensure the provision of education and support services to children who are deaf or hard of hearing and who are attending recognised schools, determine, from time to time, minimum qualifications of teachers of those children.

Duty of public bodies

6. (1) A public body shall do all that is reasonable to ensure that interpretation into Irish Sign Language is provided for a person who is competent in that language and cannot hear or understand English or Irish when that person is seeking to avail of or access statutory entitlements or services provided by or under statute by that public body.
- (2) The provision of interpretation shall be at no cost to the person concerned.
- (3) The Minister may by regulations—
- (a) provide that where a person intends to avail of Irish Sign Language services provided by a public body, the person shall give the public body such prior notification of his or her intention within such period as specified in the regulations, or
 - (b) provide for the procedure in relation to the provision of such services by a public body.
- (4) Provision of or availing of a remote, web-based service shall, if the Irish Sign Language user consents, be sufficient to meet the obligations of a public body under this section.
- (5) The Minister may prescribe as a public body such other person, body, organisation or group financed wholly or partly out of moneys provided by the Oireachtas (being a person, body, organisation or group that, in the opinion of the Minister, ought, in the public interest and having regard to the provisions and intentions of this Act, to be so prescribed).

Engagement of verified competent Irish Sign Language interpreters

7. A court or a public body, in compliance with its obligations under this Act, shall not engage the services of a person providing Irish Sign Language interpretation unless the person's competence has been verified by having been accredited in accordance with an accreditation scheme funded by the Minister for Employment Affairs and Social Protection.

Broadcasting principles

8. Broadcasters (within the meaning of the Broadcasting Act 2009) in fulfilling their obligations in relation to Irish Sign Language targets and requirements in respect of programmes transmitted on a broadcasting service (within the meaning of that Act) provided by the broadcaster as set out in the broadcasting rules made under section 43(1) (c) of the Broadcasting Act 2009 by the Broadcasting Authority of Ireland shall adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.

Support for access to events, services and activities for users of Irish Sign Language

9. (1) The Minister for Employment Affairs and Social Protection may, with the consent of the Minister for Public Expenditure and Reform, out of moneys provided by the Oireachtas, provide funds to facilitate users of Irish Sign Language with regard to support in relation to access to social, educational and cultural events and services (including medical) and other activities by such users as specified in guidelines made by that Minister of the Government.
- (2) Guidelines under this section shall specify the events, services and activities to which the guidelines apply and shall make provision regarding the management and delivery of the support in relation to access to those events, services or activities by users of Irish Sign Language.

Report of operation of Act

10. (1) The Minister shall, not later than 3 years after the date on which this Act is enacted and every 5 years thereafter require a report to be prepared on the operation of this Act.
- (2) Without prejudice to the generality of *subsection (1)*, a report under this section shall include an assessment of—
- (a) whether any amendments to the scope and contents of this Act are necessary or desirable,
 - (b) whether additional provisions need to be made in relation to supports for a child within the school system whose primary language is Irish Sign Language, and
 - (c) the qualifications for the minimum level of Irish Sign Language competency for persons who are teaching a child whose primary language is Irish Sign Language.
- (3) The Minister shall ensure that persons or organisations that are representative of the interests of the members of the deaf community are consulted on the matters to be considered in a report prepared under this section.
- (4) The Minister shall cause a copy of a report prepared under this section to be laid before each House of the Oireachtas.

Short title and commencement

11. (1) This Act may be cited as the Irish Sign Language Act 2017.

- (2) This Act shall come into operation on such day or days not later than 3 years after the passing of this Act as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.