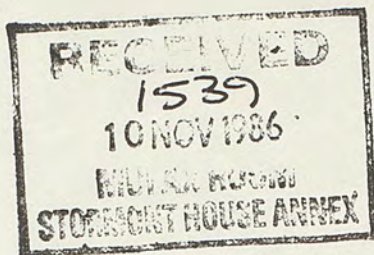


E.R.

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MR BLACKWELL - BLIS

cc Mr A W Stephens-M  
 Mr Innes-M  
 Mr Chesterton  
 Mr Spence-M  
 Mr Elliott-M  
 Mr Palmer-M  
 Mr McConnell-M  
 Mr S Hewitt-M



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RBS51/4

POSITION OF THE IRISH LANGUAGE:  
 DIFFICULTIES WITH THE RUC AND THE ARMY

1. Thank you for your minute of 24 October. I have also seen Mr Hewitt's interesting comments in his minute of 27 October to Mr Elliott. At the risk of repetition, may I explain how I see the present position and why we have reached it, so that we may all be clear what we are trying to achieve.

2. The SDLP policy document on the Irish language says that it seems common practice for the RUC to translate Gaelic names to English on Court documents, eg from Seamus to James and Padraig to Patrick. They believe that this is related to an outdated piece of legislation - the Administration of Justice (Language) Act 1737. They ask for them to end "this insulting practice forthwith". This reference was picked up by the Irish side of the Secretariat during an informal discussion on 24 July. It is reflected in the second paper on the Irish language handed over by the Irish Government which asks for official recognition of Irish personal names (and addresses) by communications and licensing authorities and the Courts. Thus we are looking at the matter because, according to the SDLP and the Irish Government, RUC practice causes a grievance. And if we look at it in relation to the RUC, we cannot leave out the Army.

3. In my submission of 14 October I said that there appeared to be a discrepancy between the security forces' practice and the law; to be precise I should have said the common law. I did not mean to imply that they were acting illegally. I recognise that the Emergency Provisions Act gives them special powers to ascertain identity. The Secretary of State agreed on 15 October

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that the NIO and NI Departments should standardise currently differing practice in the acceptance of Irish personal names because at common law there is nothing to prevent a person calling himself anything that he wishes, provided he does so consistently and not for fraudulent purposes. But it was recognised that if the RUC and Army did not do likewise, we could leave open a gap for the Government's critics to exploit.

4. I fully appreciate the scope for mischief if policemen and soldiers were instructed to accept Irish personal names. The difference between pronunciation and spelling alone would cause that without the efforts of the maliciously inclined. What we are trying to prevent is an ill-disposed policeman or soldier deliberately translating into English the Irish name habitually used by an individual who feels that it is his and who as a consequence goes away with a grudge against the security forces. The person would not feel that he was giving an Irish translation of his name; he would be giving his name. I agree with Mr Hewitt that the judgement is whether in trying to achieve this objective, we would be adding to the problems of the security forces in a way which would seriously prejudice their operations and their effectiveness against terrorists.

5. It would be helpful if the views of the Irish could be explored in greater depth informally through the Secretariat to confirm Mr Hewitt's impression that they attach only marginal importance to the matter. Nonetheless we are bound formally to put the problem to the security forces in order to give the Secretary of State their view of the implications for them of adopting such a practice. If, as we expect, they would prefer to maintain the status quo, we will need to advise Mr Scott (see Miss Johnston's minute of 20 October) how this affects the advice which is given to NI Departments and the NIO (where the Prisons Department has special problems). It would therefore be helpful if you would prepare a paper for SCM. I am sure that it would encourage the security forces to consider whether there are any alternatives if you included the scheme outlined in your minute of 24 October. I should be glad to contribute to the paper.

Francis Hewitt