Gaelic Language (Scotland) Bill
[AS INTRODUCED]

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Gaelic Language (Scotland) Bill
[AS INTRODUCED]

An Act of the Scottish Parliament to require certain public bodies to publish, maintain and implement plans giving effect to the principle that in the exercise of the functions of those bodies the Gaelic and English languages should be treated on a basis of equality; and to make connected provision in relation to the powers of the Scottish Public Services Ombudsman.

1 Gaelic language plans

(1) Every public body to which this Act applies must, within a period of two years, publish a Gaelic language plan.

(2) The plan must—

(a) specify the measures which the public body proposes to take for the purpose mentioned in subsection (3), over the duration of the plan, as to the use of the Gaelic language in connection with the exercise of that public body’s functions; and

(b) include the matters mentioned in the schedule.

(3) The purpose is to give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that in the exercise of functions by public bodies the Gaelic and English languages should be treated on a basis of equality.

(4) Before preparing the plan, the public body must consult persons appearing to it to have an interest in the plan.

(5) The duration of the plan shall be five years beginning with the day of publication.

(6) The public body must implement the measures set out in the plan.

(7) The Scottish Ministers may by order amend the schedule so as to modify, add or remove any provision.

2 Review and amendment of plans

(1) A public body must—

(a) during the fifth year of the plan’s duration, or earlier, undertake and complete a review of the plan in accordance with subsection (2); and

(b) before the end of the plan’s duration publish a replacement plan incorporating any revisions made as a result of the review.
(2) A review of the plan consists of the public body—
(a) preparing a draft replacement plan incorporating such revisions to the plan as the public body proposes; and
(b) consulting on the draft replacement plan persons appearing to the public body to have an interest in the plan.
(3) On publication the replacement plan has effect in place of the plan which has been reviewed.
(4) A public body may, without undertaking a review, at any time amend the plan (for example, by correcting an error or by updating factual information which has changed) in a way that does not alter the substance of any measure which the public body must implement.

3 Public bodies
(1) The public bodies to which this Act applies are every person who—
(a) is for the time being a listed authority within the meaning of section 3(1) of the 2002 Act (persons liable to investigation by the Ombudsman), other than a cross-border public authority or a person referred to in paragraph 5 of schedule 2 to that Act (family health service providers), and
(b) exercises any of its functions in the area for which this section is for the time being in force.
(2) Where a person becomes a listed authority as a result of the addition of an entry pursuant to section 3(2)(c) of the 2002 Act—
(a) the period of two years mentioned in section 1(1) of this Act begins with the day on which that person becomes a listed authority;
(b) the Scottish Ministers may by order provide that that person is not to be a public body to whom this Act applies.

4 The Ombudsman
For the purposes of subsection (1) of section 5 of the 2002 Act (matters which the Ombudsman is entitled to investigate)—
(a) in relation to a public body other than one to which paragraph (b) or (e) of that subsection applies, the obligations imposed by this Act on the public body are to be regarded as arising in the exercise of its administrative functions; and
(b) in relation to a public body other than one to which paragraph (e) of that subsection applies, where the plan makes provision for the use of the Gaelic language in connection with a service provided by the public body, a failure to implement the plan in that respect is to be regarded as a service failure, whether or not they would otherwise be so regarded.

5 Orders
(1) An order under this Act is to be made by statutory instrument.
(2) An instrument containing an order under section 1(7) shall be subject to annulment in pursuance of a resolution of the Parliament.
(3) No instrument containing an order under section 3(2)(b) shall be made unless a draft has been laid before, and approved by resolution of, the Parliament.

6 Interpretation

(1) In this Act—

“the 2002 Act” means the Scottish Public Services Ombudsman Act 2002 (asp 11);

“the Ombudsman” means the Scottish Public Services Ombudsman;

“plan” means a Gaelic language plan (and, except in section 1(1) and (4), includes a replacement plan published under section 2); and

“the relevant area” means the area comprising the local government areas of Highland, Western Isles, that part of Argyll and Bute which is the area of the former Argyll and Bute District Council and the islands of Arran, Great Cumbrae and Little Cumbrae.

(2) In this Act, except in section 4, the functions of a public body include—

(a) those relating to its internal processes; and

(b) its provision of any services to the public.

7 Short title and commencement

(1) This Act may be cited as the Gaelic Language (Scotland) Act 2002.

(2) Section 3 of this Act comes into force—

(a) for the relevant area, the day after the date of Royal Assent;

(b) for any other area, on such day as the Scottish Ministers may by order appoint; and different days may be appointed for different areas.

(3) The remaining provisions of this Act come into force the day after the date of Royal Assent.
SCHEDULE
(introduced by section 1)

MINIMUM CONTENT OF GAELIC LANGUAGE PLANS

Response to external and media communications
5  1  Details of the way in which the public body will respond to persons who communicate with it in the Gaelic language, including details of arrangements to be made for the issue in the Gaelic language of responses to media inquiries.

Materials
2  10  Details of the documents and other materials for internal and external use which the public body will make available in the Gaelic language, and an indication of the extent to which these will be created in the Gaelic language or translated from English originals.

Translation
3  15  Details of the translation services which the public body will, on request, make available for materials which it does not propose ordinarily to make available in the Gaelic language.

Gaelic-only services
4  Details of services which will be provided exclusively for users of (including those learning) the Gaelic language.

Designated contact
5  20  Details of one or more senior post-holders or staff to be designated contacts for internal or external enquiries in or about the Gaelic language.

Staff training and opportunities
6  25  Details of—
   (a) training in the Gaelic language which the public body will provide for its staff (including an indication of which staff are to receive training); and
   (b) opportunities which the public body will provide for its staff to learn and use the Gaelic language.

Language requirement for posts
7  30  Details of the posts for which the public body will treat the holder’s ability to communicate in the Gaelic language as an essential requirement.
Other statutory functions and duties

8 Details of the way in which the public body proposes to carry out any function or duty relating to the use of the Gaelic language arising under any enactment other than one contained in this Act.

Implementation and timetable

9 Details of—

(a) the timescale over which the public body proposes to implement each measure specified in the plan;

(b) the anticipated arrangements and timetable for undertaking a review of the plan;

(c) the forecast level of use of the Gaelic language in connection with the public body’s performance of its functions, including an indication of the way in which the public body proposes to measure and record its use.
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Introduced by: Michael Russell
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