Gaelic Language (Scotland) Bill

Bill Number: SP Bill 25
Introduced on: 27 September 2004
Introduced by: Peter Peacock (Executive Bill)
Passed: 21 April 2005
Royal Assent: 1 June 2005

2005 asp 7

Passage of the Bill

The Gaelic Language (Scotland) Bill was introduced on 27 September 2004. At stage 1, Members of the Education Committee attended a public meeting at the Royal National Mòd on 14 October 2004, and held five oral evidence sessions during November and December 2004, hearing evidence from Clì Gàidhlig, Comann nam Pàrant, Sabhal Mòr Ostaig, Comunn na Gàidhlig, Comhairle nan Eilean Siar, Highland Council, Glasgow City Council, the Welsh Language Board, Bòrd na Gàidhlig and the Minister for Education and Young People. The evidence given by Clì Gàidhlig, Comann nam Pàrant, Sabhal Mòr Ostaig, Comunn na Gàidhlig, Comhairle nan Eilean Siar and Bòrd na Gàidhlig was given in Gaelic and interpreted simultaneously. In addition, the Committee visited Portree Primary School and Portree High School on 29 November 2004. The Committee received 140 responses from individuals, 102 individual responses in three standard forms and 42 from organisations.

The Committee’s Stage 1 report was published on 26 January 2005 in Gaelic and English. Stage 2 was held on 2 March 2005 and stage 3 on 21 April 2005 and the Bill was passed.

Purpose and objectives of the Bill

The Bill provides for the establishment of Bòrd na Gàidhlig to develop the use of Gaelic with the aim of securing it as an official language of Scotland which commands equal respect with English. The aim is to increase the number of people able to use and speak Gaelic, to encourage the use of the language and make the language and culture more accessible.

Provisions of the Bill

The Bòrd’s Committee of between five and eleven members will, within a year of commencement of the Act, produce a national plan for Gaelic and can, on at least six months notice, require any Scottish or cross border public authority to produce a plan with regard to its devolved functions.

The national plan must be consulted on and approved by Scottish Ministers. Public authority plans must also be consulted on and approved by Bòrd na
Plans must include deadlines for the measures set out in them, be reviewed every five years, and the Bòrd can report on implementation. Where a plan is not implemented, Scottish Ministers can, after consultation with the authority, direct the authority to implement the plan.

Where there is a dispute between public authorities and the Bòrd there is an appeal to Ministers – both on the fact of being asked to produce a plan and on the content of the plan. Where Ministers decide that a notice ought not to have been issued the Bòrd must wait two years before issuing another notice for a plan.

The Bòrd must also produce guidance on developing Gaelic and can produce guidance on Gaelic education. Where it does so, education authorities must have regard to it.

The Bòrd will advise on Gaelic issues generally, and report to Ministers on the implementation with regard to Gaelic of the European Charter for Regional and Minority Languages 1992.

The bill provides for the following documents to be laid before Parliament.

- National Gaelic Plan – to be produced in the first year, and every five years thereafter.
- A report by the Bòrd on a public authority’s failure to implement a plan
- Bòrd’s annual report

The Bord must also consult the Parliament on the National Gaelic Plan.

**Parliamentary consideration**

Two key themes throughout the consideration were the importance of Gaelic education and the difference between a ‘rights based’ approach and a ‘planning’ approach. The Bill takes a planning approach. Related to this was a call for the Bill to state that Gaelic had ‘equal validity’ with English and an amendment to this effect was proposed by Alex Neil at stage 2 and 3. This was opposed by the Executive on the ground that: ‘there would be a real danger that certain constructions could give rise to unintended and undeliverable consequences on a Scotland-wide basis’ (Edu Cttee OR 2 March 2005 col 2235). The bill was amended to include reference to Gaelic having ‘equal respect’ to English.

Other amendments during the passage of the bill included:

- that the national plan is updated every five years, that the parliament is consulted on it and the final plan laid before parliament.
- that in preparing guidance or advice, the Bòrd will seek to give effect to the principle that Gaelic and English should be accorded equal respect.
- that public authority plans take account of the potential to develop the use of Gaelic.
- inclusion of an education strategy in the national Gaelic plan
- that the Bòrd reports on the Charter for Regional and Minority Languages
- that the Bòrd can vary or revoke guidance it has published in relation to public authority Gaelic plans
• that the Bòrd must submit its guidance on Gaelic education to Scottish Ministers. The process involved mirrors that for guidance on public authority Gaelic plans.
• In setting its annual statement of improvement objectives, an Education Authority must have regard to its own Gaelic language plan.
• that specific reference is made to the Food Standards Agency as a cross border public authority.