GAELIC LANGUAGE (SCOTLAND) BILL

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EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

1. As required under Rule 9.3 of the Parliament’s Standing Orders, the following documents are published to accompany the Gaelic Language (Scotland) Bill introduced in the Scottish Parliament on 27 September 2004:

   • Explanatory Notes;
   • a Financial Memorandum;
   • an Executive Statement on legislative competence; and
   • the Presiding Officer’s Statement on legislative competence.

A Policy Memorandum is printed separately as SP Bill 25–PM.
EXPLANATORY NOTES

INTRODUCTION

2. These Explanatory Notes have been prepared by the Scottish Executive in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

3. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

BACKGROUND

THE BILL – AN OVERVIEW

4. The Gaelic Language (Scotland) Bill establishes a body, Bòrd na Gàidhlig (the Bòrd), to promote the use and understanding of the Gaelic language and enables the Bòrd to require certain public bodies to prepare and implement plans which will set out how they will use the Gaelic language in the exercise of their functions.

5. Section 1 establishes the Bòrd with the functions of promoting the use and understanding of the Gaelic language and advising on Gaelic language, culture and education matters.

6. Section 2 requires the Bòrd to develop a national Gaelic language plan setting out how it proposes to exercise those functions.

7. Sections 3 to 8 enable the Bòrd to require Scottish public authorities to prepare and implement Gaelic language plans. These plans will set out how the public authority will use the language in connection with the exercise of its functions.

8. Section 9 provides for the Bòrd to issue guidance on the provision and development of Gaelic education.

THE BILL – SECTION BY SECTION

Bòrd na Gàidhlig

Section 1 – Constitution and functions of Bòrd na Gàidhlig

9. This section establishes the Bòrd with the functions of promoting the use and understanding of the Gaelic language and advising on Gaelic language, culture and education matters.

10. Subsections (2) and (3) specify the general functions of the Bòrd and the outcomes the Bòrd should seek to achieve in exercising those functions.
11. Subsection (4) enables the Scottish Ministers to issue directions or guidance to the Bòrd.

12. Subsection (6) introduces schedule 1 which makes detailed provision concerning the status, membership etc. of the Bòrd.

**National Gaelic language plan**

*Section 2 – National Gaelic language plan*

13. This section requires the Bòrd to develop a national Gaelic language plan which must set out how it proposes to carry out its functions. Those functions include the general functions under section 1(2) of promoting the use and understanding of the Gaelic language and advising the Scottish Ministers and others on matters relating to the language. The Bòrd must also advise the Scottish Ministers on Gaelic culture and education. Other more specific functions are provided for elsewhere in the Bill.

14. Subsection (1) places a duty on the Bòrd to submit a national Gaelic language plan to the Scottish Ministers within 12 months of the commencement of section 2.

15. Subsections (2) and (3) require the Bòrd to publish and consult on a draft plan. The Bòrd must allow at least 3 months for the submission of views and take into account any views submitted in that period.

16. Subsection (4) requires the Scottish Ministers, within 6 months of receiving the national plan from the Bòrd, to approve the plan or make comments on it. If the Scottish Ministers make comments on the plan, the Bòrd must submit a further plan taking account of those comments.

17. Subsection (5) provides that if the Bòrd submits a further plan under subsection (4), the Scottish Ministers must approve the plan within 6 months or order the Bòrd to publish the plan in terms which the Scottish Ministers shall decide.

18. Subsection (6) requires the Bòrd to publish the national Gaelic language plan in its final form.

19. Subsection (7) enables the Scottish Ministers at any time to request the Bòrd to submit a new national Gaelic language plan. The effect of subsection (8) is that if the Scottish Ministers request the Bòrd to submit a new national Gaelic language plan, the process for consultation and approval will be the same as was required for the earlier national plan (subsections (1) to (6)).

**Gaelic language plans**

*Section 3 – Gaelic language plans*

20. Section 3 introduces a power for the Bòrd to issue a notice to any Scottish public authority requiring them to prepare a Gaelic language plan. ‘Scottish public authority’ is defined in section 10 and covers any public body or office-holder (including the Scottish Parliamentary Corporate Body) with functions which can be exercised only in or as regards Scotland.
21. Subsection (2) specifies the information which the Bòrd must provide in the notice it issues to a public authority.

22. Subsection (3) sets out the considerations the Bòrd must have regard to in deciding whether to issue a notice to a public authority.

23. Subsection (4) sets out the information which a Gaelic language plan must contain.

24. Subsection (5) specifies the issues which a public authority must have regard to when preparing its plan.

25. Subsection (6) requires a public authority to consult with any person who it thinks has an interest in the plan it is preparing.

26. Subsection (7) gives the Scottish Ministers a power to make regulations specifying content which public authorities must include in their language plans.

Section 4 – Review of, and appeal against, notices

27. Section 4 provides a mechanism for a Scottish public authority to seek to extend the length of time given to it to prepare a plan and for appealing against a notice issued by the Bòrd.

28. Subsection (1) enables a Scottish public authority to ask the Bòrd to reconsider the date set for the submission of a Gaelic language plan under section 3. The Bòrd must either confirm the date (subsection (3)(a)) or specify a later date when the plan must be submitted (subsection (3)(b)). If the Bòrd confirms the date it initially set for the submission of a plan or sets a later date which the authority finds unreasonable, the public authority has a further right of appeal to the Scottish Ministers under subsection (5). The effect of subsection (6) is that if the Scottish Ministers uphold an appeal from a public authority under subsection (5) they must specify an alternative date by which a plan must be submitted to the Bòrd.

29. Subsection (7) enables a public authority to appeal to the Scottish Ministers against the issue of a notice under section 3. The effect of subsection (8) is that where the Scottish Ministers uphold an appeal by a public authority against having to produce a plan, that authority does not have to submit a plan to the Bòrd and cannot be requested to do so by the Bòrd again until a period of 2 years from the date of the issuing of the first notice has passed.

Section 5 – Approval of plans

30. Section 5 makes provision for the procedure to be followed for approving Gaelic language plans submitted to the Bòrd.

31. Subsection (1) provides that when a public authority submits a plan to meet the requirements of a notice issued by the Bòrd under section 3, or resubmits a plan under subsection (2)(b) taking account of modifications proposed by the Bòrd, the Bòrd must approve the plan or propose modifications to the plan.
32. The effect of subsection (2) is that if the Bòrd proposes modifications to a plan submitted by a public authority, the authority must either notify the Bòrd within one month that it does not agree with the proposed modifications or submit a revised plan which takes account of the proposals. The Bòrd must allow at least 3 months, but not more than 6 months, for the submission of a revised plan (subsection (3)).

33. The effect of subsection (4) is that if the Bòrd receives notification from a public authority that it does not agree with modifications to its plan proposed by the Bòrd, the Bòrd must inform the Scottish Ministers of this fact. The Scottish Ministers must then, taking account of any views required to be considered under subsection (5), either approve the plan as originally submitted by the public authority to the Bòrd, or approve a plan subject to any modifications they consider appropriate.

34. Subsection (6) requires a public authority to publish its Gaelic language plan and implement the measures in it after the plan is approved.

Section 6 – Monitoring of implementation

35. This section makes provision for the Bòrd to monitor the implementation of Gaelic language plans.

36. Subsection (1) provides that the section applies to a plan which has been approved by either the Bòrd or the Scottish Ministers under section 5, and which has been in effect for at least 12 months.

37. Subsection (2) enables the Bòrd to request a report on the implementation of the measures set out in a public authority’s plan. Bòrd na Gàidhlig must allow the public authority at least 3 months to comply with that request.

38. Subsection (3) provides that the Bòrd may not ask for a subsequent report from a public authority within 12 months of the date of the last time it requested a report from that particular authority.

39. Subsection (4) enables the Bòrd, if it considers that a public authority is failing to implement adequately measures in its Gaelic language plan, to submit a report to the Scottish Ministers setting out why it considers a public authority is failing in that regard.

40. The effect of subsection (5) is that where the Scottish Ministers receive a report from the Bòrd under subsection (4) they must bring the report to the attention of the Scottish Parliament and/or issue a direction to the relevant public authority to implement any or all of the measures in its language plan. Subsection (6) requires the Scottish Ministers to consult with the relevant public authority on the terms of a direction they may be minded to issue. The Scottish Ministers must take into account any views expressed by the public authority before issuing that direction.

Section 7 – Review of plans

41. This section makes provision for the review of Gaelic language plans.
42. Subsection (1) provides that this section applies to a Gaelic language plan approved under section 5 or to a plan which has been reviewed and subsequently approved under this section.

43. Subsection (2) requires a public authority which has a Gaelic language plan to review that plan within 5 years and to make any amendments to the plan which it considers necessary. The public authority must then submit the plan, amended or unamended, to the Bòrd.

44. Subsection (3) specifies that the provisions in section 3(4) to (6) and section 5 are also to operate in relation to a plan which is being reviewed under subsection (2). Before submitting a reviewed plan to the Bòrd, therefore, it must comply with the same requirements regarding content, consultation, approval etc. as applied when the plan under review was prepared.

45. Subsection (4) enables a public authority to make minor amendments to its plan at any time without having to submit the plan for reapproval to the Bòrd.

Section 8 – Guidance, assistance, etc. by the Bòrd

46. This section makes provision for the Bòrd to issue guidance in relation to the development of Gaelic language plans under sections 3 to 7. Subsection (2) sets out the steps that the Bòrd must follow when preparing that guidance. These include a duty (under subsection (2)(b)) to publish and consult on draft guidance. Views must be made known to the Bòrd within a period specified by the Bòrd which, under subsection (3), must be at least 3 months.

47. Subsection (4) provides for the Scottish Ministers to approve guidance submitted by the Bòrd either in the form submitted to them or with modifications which they determine to be appropriate. Alternatively, the Scottish Ministers may reject the guidance submitted and require the Bòrd to submit revised guidance. Subsection (5) specifies that where revised guidance is submitted by the Bòrd, the Scottish Ministers must approve the guidance, or order the Bòrd to publish the guidance in such terms as the Scottish Ministers consider appropriate.

48. Subsection (7) provides that the Bòrd may not charge Scottish public authorities for advice and assistance in relation to requirements placed on the authority by this Act.

Gaelic education

Section 9 – Guidance on Gaelic education

49. This section makes provision for the Bòrd to issue guidance on Gaelic education. ‘Gaelic education’ is defined in section 10 as meaning education in the use and understanding, education about and education by means of the Gaelic language.

50. Subsection (2) requires the Bòrd to consult persons it believes may have an interest in the guidance, and under subsection (3) it may not issue the guidance without the agreement of the Scottish Ministers.
51. Subsection (4) provides that the Bòrd may alter or rescind guidance which it has issued but only after consultation with those appearing to the Bòrd to have an interest, and with the consent of the Scottish Ministers.

52. Subsection (5) inserts a new subsection (4A) into section 5 of the Standards in Scotland’s Schools etc. Act 2000. Section 5 requires education authorities in Scotland to produce an annual statement of improvement objectives which must include an account of the ways and circumstances in which they will provide (and, if provided, develop) Gaelic medium education. The new subsection (4A) requires education authorities to have regard to the guidance issued by the Bòrd when complying with the reporting requirements of that section.

**General**

*Section 10 – Interpretation*

53. This section provides definitions of key terms used in the Bill.

*Section 11 – Regulations and orders*

54. This section provides that regulations under section 3(7) and orders under paragraph 2(2) of schedule 1 are to be made by statutory instrument which is subject to the negative resolution procedure in the Scottish Parliament.

*Section 12 – Consequential amendments*

55. This section introduces schedule 2 which makes modifications of various enactments so as to include in them references to the Bòrd.

*Section 13 – Short title and commencement*

56. Provision is made for the Scottish Ministers by order to appoint days when sections of the Act (other than sections 11 and 13) are to come into force. Sections 11 and 13 come into force on Royal Assent.

57. Subsection (3) enables a commencement order to include transitional, transitory or saving provision.

**Schedule 1 – Bòrd na Gàidhlig**

*Paragraph 1 – Status*

58. Provision is made under this paragraph making clear that the Bòrd is not a Crown body.

*Paragraph 2 – Membership*

59. Sub-paragraph (1) provides that the members of the Bòrd are to be appointed by the Scottish Ministers. The Bòrd is to have between 5 and 11 ordinary members and a further ex officio member (the Cathraiche) who is to chair meetings of the Bòrd.
These documents relate to the Gaelic Language (Scotland) Bill (SP Bill 25) as introduced in the Scottish Parliament on 27 September 2004

60. Sub-paragraph (2) gives the Scottish Ministers the power by order to increase or decrease the maximum or minimum number of members. A statutory instrument containing such an order is subject to the negative resolution procedure in the Scottish Parliament.

61. Sub-paragraph (4) requires the Bòrd to elect from within its number a person to act as Cathraiche if the office of Cathraiche becomes vacant.

62. Sub-paragraph (5) provides that members of the Bòrd hold office on such terms and conditions as the Scottish Ministers may decide and may resign from the Bòrd by written notice to Ministers.

63. Sub-paragraph (6) makes provision for the circumstances in which the Scottish Ministers may remove a member of the Bòrd from office.

Paragraph 3 – Disqualification

64. Paragraph 3 sets out the various persons who are disqualified from appointment to, or from holding office as a member of, the Bòrd.

Paragraph 4 – Remuneration and allowances

65. Paragraph 4 provides for Bòrd members to receive such remuneration and allowances as may be determined by the Scottish Ministers.

Paragraph 5 – Chief Executive and other staff

66. Paragraph 5 makes provision for the Bòrd to appoint staff.

Paragraph 6 – Committees

67. Paragraph 6 enables the Bòrd to establish such committees as it requires to carry out its functions, and to co-opt non-members of the Bòrd on to those committees. Co-opted members cannot, however, vote at committee meetings.

Paragraph 7 – Proceedings and meetings

68. Sub-paragraph (1) enables the Bòrd to determine its own and its committees’ procedure for meetings.

69. Sub-paragraph (2) provides that the validity of any proceedings of the Bòrd cannot be challenged on the grounds that there was a defect in any of the appointments to the Bòrd or by a vacancy in the Bòrd’s membership.

70. Sub-paragraph (3) provides for the Scottish Ministers, or their representatives, to attend the Bòrd and committee meetings but they are unable to vote at those meetings.
These documents relate to the Gaelic Language (Scotland) Bill (SP Bill 25) as introduced in the Scottish Parliament on 27 September 2004

Paragraphs 8 and 9 – Accounts and annual report
71. These paragraphs set out in general terms requirements concerning the accounts and reports which must be prepared by the Bòrd.

Paragraph 10 – Delegation of functions by the Scottish Ministers
72. This paragraph enables the Scottish Ministers to delegate any of their functions to the Bòrd (other than the function of making, confirming or approving subordinate legislation) relating to the Gaelic language, culture and education.

Paragraph 11 – General powers
73. This paragraph sets out the activities the Bòrd may engage in in furtherance of its functions.

74. Sub-paragraph (2) specifies that the Bòrd may not make charges for the provision of advice and assistance to Scottish public authorities in connection with the application of the Bill to them.

Paragraph 12 – Grants
75. Sub-paragraphs (1) and (2) provide for the Scottish Ministers to make grants to the Bòrd. The purpose and amount of a grant, and any conditions attaching to it, may be decided by the Scottish Ministers.

76. Sub-paragraph (3) specifies that the Bòrd does not have the power to borrow money or to give guarantees.

FINANCIAL MEMORANDUM

INTRODUCTION
77. The Gaelic Language (Scotland) Bill is a Partnership Agreement commitment. The Executive is committed to securing the status of the Gaelic language in Scotland. The Bill introduces a number of measures to underpin this policy objective and complements existing Executive action in the areas of Gaelic arts, education and development.

78. The Bill will establish Bòrd na Gàidhlig in statute with new duties to produce a national plan for Gaelic and powers to require public authorities to prepare and implement Gaelic language plans to encourage and facilitate the use of the language in everyday public life. The Bill also introduces a function for Bòrd na Gàidhlig to issue guidance on Gaelic education, with particular regard to existing requirements under the Standards in Scotland’s Schools etc. Act 2000.
79. The costs flowing from the Bill relate to the new duties on Bòrd na Gàidhlig and the preparation and implementation of Gaelic language plans by relevant public authorities. In consultation on the Bill the Scottish Executive has identified a willingness among a number of Scottish public bodies to adopt Gaelic language plans. Indeed, a number of public bodies have publicly stated their commitment to prepare Gaelic language plans.

80. The Executive also noted in consultation and discussion with interested parties the financial burden that could result from the preparation and implementation of Gaelic language plans. The costs of implementing the Bill will be spread across the public sector as a whole.

**Gaelic language plans**

81. Not all public authorities will be required to prepare a Gaelic language plan and the content of those plans which are produced can be expected to vary considerably. The demand for Gaelic language services which are provided for in language plans, and the resultant costs of ongoing service delivery, will also vary.

82. In addition, the Executive expects Bòrd na Gàidhlig to adopt a graduated approach to requesting public bodies to produce language plans. The Executive expects Bòrd na Gàidhlig to request the development and implementation of about 10 plans per year – this figure may vary over time. It is likely that the first public authorities required to produce plans will be a mixture of Scottish local authorities and other types of Scottish public authorities covered by this Bill. The first plans would be prepared in 2006-07, and these would require to be reviewed within 5 years.

83. The cost to the public sector in implementing the Bill will therefore be phased over a number of years. If a public authority is not requested to produce a language plan by Bòrd na Gàidhlig, the Bill will of course not give rise to any language planning burden for that authority.

84. The language planning process of the Bill will be initiated by Bòrd na Gàidhlig issuing a notice to a public authority, requesting them to submit a Gaelic language plan for approval within a specified period of time. The notice will specify a date by which the public authority should submit their language plan to Bòrd na Gàidhlig for approval. Public authorities will have a right of appeal to the Scottish Ministers against a notice issued by the Bòrd.

85. The Bill provides for Bòrd na Gàidhlig to develop guidance for public authorities on Gaelic language planning. The Executive expects that Bòrd na Gàidhlig will provide a copy of this guidance when it issues its notice to public authorities. This guidance will set out areas of service delivery which public authorities should consider when developing their plans. Public authorities, in addition to having regard to the advice prepared by Bòrd na Gàidhlig, will be required to consult those within their areas that have an interest in the matter.

86. This approach is similar to the Welsh Language Act 1993 and the Irish Official Languages Act 2003. In the former the Welsh Language Board was required to provide guidance on the form and content of Welsh language schemes and in the latter the Act states that guidelines would be published to guide language planning.
COSTS FOR SCOTTISH LOCAL AUTHORITIES

Developing a language plan

87. The development of a language plan will require officer resources. The local authority will need to consider any submissions it receives from the public and to determine what demand there is for Gaelic language provision. When a plan has been developed, local authorities will require to publicise the plan and the availability of the services which are set out in that plan. It is estimated that it will cost in the region of £10,000 for a local authority to develop a Gaelic language plan.

88. This cost will include staff time to cover drafting a consultation document containing a draft plan, making it publicly available, translating it into Gaelic and analysing responses to the consultation. There will also be costs associated with the publication and distribution of the final plan itself which will be published in both Gaelic and English. Final costs will of course depend on the nature of the publication and quantities required.

Implementation costs

89. The main costs associated with Gaelic language plans lie in their implementation. The costs facing local authorities will differ depending on the services they make available in their language plan and the level of demand for using those resources (which might vary over time). The language planning provisions of the Bill are flexible enough to allow for the development of different types of language plan.

90. For example, the Executive would fully expect the language plan of an area with a high proportion of Gaelic speakers, for example Comhairle nan Eilean Siar, to vary considerably in terms of the Gaelic language service provision which they will make available, from an area with a significantly smaller proportion of Gaelic speakers. It will be for individual local authorities to determine in conjunction with Bòrd na Gàidhlig what is appropriate in their given circumstances.

91. The type of issues which the Executive expects all public authorities to consider in conjunction with Bòrd na Gàidhlig, together with estimates of the costs involved, are set out in the table below. The examples given are core service delivery functions, such as providing a commitment to respond to Gaelic language correspondence in Gaelic, to which it is expected that most public authorities would wish to give serious consideration when developing a plan. All of the costs, with the possible exception of those relating to corporate identity, are recurrent.
Core components of a Gaelic plan and estimated costs

<table>
<thead>
<tr>
<th>Function</th>
<th>Details</th>
<th>Estimated Cost (£s), pa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Identity</td>
<td>e.g. signage, letterheads etc.</td>
<td>0 - 20,000</td>
</tr>
<tr>
<td>Communications</td>
<td>e.g. letters, press notices, advertising etc.</td>
<td>0 - 10,000</td>
</tr>
<tr>
<td>Materials</td>
<td>e.g. publications, website, application forms</td>
<td>0 - 30,000</td>
</tr>
<tr>
<td></td>
<td>etc.</td>
<td></td>
</tr>
<tr>
<td>Translation</td>
<td>e.g. printed translations, interpretation at</td>
<td>0 - 10,000</td>
</tr>
<tr>
<td></td>
<td>meetings</td>
<td></td>
</tr>
<tr>
<td>Staff</td>
<td>e.g. Gaelic officer(s)</td>
<td>0 - 80,000</td>
</tr>
<tr>
<td>Training</td>
<td>e.g. Gaelic courses, grammar, orthography,</td>
<td>0 - 5,000</td>
</tr>
<tr>
<td></td>
<td>translation</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>0 - 155,000</strong></td>
</tr>
</tbody>
</table>

92. A range of costs are shown in the table above and this allows for the possibility that some public authorities might not incur costs in areas of core functions listed above. The Executive expects that public authorities which operate in areas with a high proportion of Gaelic speakers would incur costs in most of the core function areas. The Executive does not expect that Scottish public authorities in areas of few Gaelic speakers would be approached by Bòrd na Gàidhlig in the years immediately after the enactment of the Bill.

93. The language plans for some public authorities may include a wide range of non-core services, or specialist services that are particular to the operation of the authority or body concerned. This could include, for example, health services, social services, education or tourism. Such services would be delivered by Gaelic speaking staff and while this may have implications for recruitment/appointment of individuals it may not involve any additional costs of a material nature.

94. All public authorities required by Bòrd na Gàidhlig to produce and implement Gaelic language plans will be eligible for assistance towards the costs from a Gaelic Language Development Fund which will be managed by the Bòrd. The funding will be available to public authorities for a fixed number of years and over this period the percentage of support will vary with the eventual aim of allowing the authority concerned to assume responsibility for the costs involved. In requesting development and implementation of plans the Bord will take into account the level of assistance available from the Gaelic Language Development Fund.

**Education**

95. It is not expected that the education provisions of the Bill will introduce a new burden for education authorities or other education providers. The education provision in the Bill provides for Bòrd na Gàidhlig to provide guidance on Gaelic education matters. In particular it serves to
develop Gaelic medium provision already set out in the Standards in Scotland’s Schools etc. Act 2000.

96. The 2000 Act requires education authorities to report on their provision of Gaelic medium education (GME), and where they do provide GME, on their plans to develop that provision. The Scottish Ministers have signalled their intent to bring about consistency in reporting under the 2000 Act and will shortly consult on draft guidance to provide for that. The Executive intends for ownership of that guidance to pass to Bòrd na Gàidhlig with the establishment of this Act.

97. Bòrd na Gàidhlig will be able to issue guidance to education authorities and others with responsibility for the provision of education on Gaelic education issues wider than just the provisions of the 2000 Act. Such guidance might address education authority delivery of Gaelic pre-school, classes for school learners or classes for adult learners. The Executive expects education authorities to meet the consideration of any such education guidance issued by Bòrd na Gàidhlig from within planned budgets, supplemented where appropriate by specific grants from the Executive’s Grant Scheme for Gaelic education. This scheme operates on the basis of 75% funding from the Executive and 25% from authorities.

COSTS FOR OTHER SCOTTISH PUBLIC BODIES

Bòrd na Gàidhlig

98. Bòrd na Gàidhlig already exists as an NDPB with responsibility for disbursing a significant amount of Scottish Executive Gaelic funding. This funding is directed towards groups and initiatives that have been identified as priorities for the Scottish Ministers over recent years. The Bill however places new duties and responsibilities on the Bòrd, the costs of which will be taken into account in the determination by the Scottish Ministers of the Bòrd’s grant in aid.

99. The Bill places a duty on Bòrd na Gàidhlig to develop a National Gaelic Language Plan. This plan must be submitted to Ministers for approval. The National Plan will be a blueprint to guide Gaelic development and is expected to cover all areas of Gaelic language activity, such as education, arts and broadcasting. The Plan will identify priority areas of Gaelic development and provide the strategic overview for Bòrd na Gàidhlig’s decision-making on the distribution of Gaelic funding.

100. The Bill also introduces a function for Bòrd na Gàidhlig to issue guidance to education authorities and others on Gaelic education. The Bòrd will be expected to offer advice to education authorities on their reporting under the 2000 Act, and will also be expected to advise Ministers on reports produced by education authorities. The Executive has consulted with the Bòrd and estimates total additional salary and operating costs relating to these functions to be in the region of £355,000 per year.

101. As mentioned previously the Bòrd will manage the Gaelic Language Development Fund. The Fund will be a source of assistance to public authorities required to produce and implement Gaelic language plans. The Fund will also be available to assist public authorities with specialist services and Gaelic development generally. Public authorities that have mainstreamed Gaelic
language activity would be able to apply for funding for new Gaelic language activity. The first year for the operation of the Fund will be 2006-07 as we expect that the remaining months in 2005-06, following the enactment of the Bill, will focus on preparatory work by the Bòrd. Actual provision will be approved by Ministers in the context of the Bòrd’s corporate planning process.

**Other bodies**

102. The provisions in the Bill could impact on any Scottish public authority. Along with Scottish local authorities this will include the Scottish Executive and Agencies, the Scottish Parliament, and other public bodies. The considerations and costs involved should any such body be required to produce and implement Gaelic language plans are set out under ‘Costs on Scottish Local Authorities’.

103. The provisions of the Bill will not give rise to any new resource burden for private or voluntary sector bodies. Such bodies do not fall within the definition of Scottish public authority and therefore cannot be requested to produce a Gaelic language plan by Bòrd na Gàidhlig. However, the impact of this Bill may raise demand and general expectation for Gaelic language services.

104. It will be for individual bodies to determine to what extent they wish to comply with the spirit of the legislation in those circumstances. Voluntary bodies and businesses will be able to seek language plan development advice from Bòrd na Gàidhlig. It is expected that the guidance on language planning which Bòrd na Gàidhlig will produce under the Bill will be publicly available.

**COSTS FOR THE SCOTTISH ADMINISTRATION**

**Bòrd na Gàidhlig**

105. The additional salary and operating costs for Bòrd na Gàidhlig and the costs involved in the Gaelic Language Development Fund will be provided for in the Bòrd’s grant in aid.

**Scottish Executive’s Gaelic language plan**

106. Under the terms of the Bill, the Executive may, like any other public authority, be asked to produce a Gaelic language plan. The Executive, as is demonstrated through the introduction of this Bill, has committed itself to securing the status of the Gaelic language and will respond positively to a request from Bòrd na Gàidhlig to develop a Gaelic language plan. The Executive is already active in many areas of Gaelic development and is well placed to bring forward a plan in due course. The costs of this plan will be met from within planned expenditure.

107. The starting point for the Executive Gaelic language plan will be to build on and develop present Gaelic arrangements, albeit in keeping with the Bòrd na Gàidhlig guidance. An Executive Gaelic language plan would also provide the opportunity to state what is already being done for Gaelic throughout the Executive in a wide range of programmes.
108. There are already Gaelic costs spread through the Executive. However, it is possible that the passage of the Bill may increase the demand for further Gaelic services, in areas where the Executive does not currently take account of Gaelic language requirements. In some areas of the Executive there is already Gaelic signage, letter-headings, publication costs, translation costs, website costs and the Executive is spending on a wide range of Gaelic initiatives.

**Agencies of the Scottish Executive**

109. There will be no additional burden on an Executive agency if it is not asked to produce a Gaelic language plan. Where an agency does produce a Gaelic language plan it will be required to consider what Gaelic provision it should adopt in conjunction with Bòrd na Gàidhlig. The issues set out in the section on costs for Scottish local authorities will require to be addressed by Scottish Executive agencies. The costs of Gaelic language plans for agencies will be met within planned resources.

**SUMMARY OF COSTS**

<table>
<thead>
<tr>
<th>Scottish public authorities</th>
<th>Preparing a Gaelic language plan</th>
<th>£10,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Implementing core functions in a Gaelic language plan</td>
<td>£0 to £155,000 per authority, per year*</td>
</tr>
<tr>
<td>Bòrd na Gàidhlig</td>
<td>Staff and operating costs</td>
<td>£355,000 per year</td>
</tr>
</tbody>
</table>

* Partly offset by grants from Bòrd na Gàidhlig’s Gaelic Language Development Fund

**EXECUTIVE STATEMENT ON LEGISLATIVE COMPETENCE**

110. On 23 September 2004, the Minister for Education and Young People (Peter Peacock) made the following statement:

“In my view, the provisions of the Gaelic Language (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”
PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

111. On 23 September 2004, the Presiding Officer (George Reid) made the following statement:

“In my view, the provisions of the Gaelic Language (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”
These documents relate to the Gaelic Language (Scotland) Bill (SP Bill 25) as introduced in the Scottish Parliament on 27 September 2004

GAELIC LANGUAGE (SCOTLAND) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)


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