

British Sign Language (Scotland) Bill

[AS INTRODUCED]

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Explanatory Notes, together with other accompanying documents, are printed separately as SP Bill 55-EN. A Policy Memorandum is printed separately as SP Bill 55-PM.

British Sign Language (Scotland) Bill

[AS INTRODUCED]

5 An Act of the Scottish Parliament to promote the use of British Sign Language including by making provision for the preparation and publication of a British Sign Language National Plan for Scotland and by requiring certain authorities to prepare and publish their own British Sign Language Plans in connection with the exercise of their functions; and to provide for the manner in which such plans are to be prepared and for their review and updating.

1 British Sign Language National Plan for Scotland

(1) The Scottish Ministers—

(a) are to promote, and facilitate the promotion of, the use and understanding of the sign language known as British Sign Language, and

10 (b) in the exercise of their functions under paragraph (a), are to prepare, in each session of the Parliament, a plan to be known as a British Sign Language National Plan for Scotland (in this Act referred to as a “National Plan”).

(2) In a National Plan the Scottish Ministers are to set out their strategy for such promotion and facilitation.

15 (3) The first National Plan is to be published no later than 12 months after the commencement of the session of the Parliament which next follows the session in which this Act receives Royal Assent.

(4) Each subsequent National Plan—

20 (a) is to be published no later than 6 months after the commencement of the session of the Parliament in which it is prepared, and

(b) is to have regard to such comments of any relevance as are contained in the most recently published Performance Review.

(5) In preparing a National Plan the Scottish Ministers are to publish, and consult on, a draft of the plan and are to take into account any representations received by them by virtue of such consultation.

25 (6) The persons consulted are to be those who, the Scottish Ministers consider, are likely to be directly affected by the National Plan or otherwise to have an interest in that plan and in particular are to include—

(a) persons who use British Sign Language, and

(b) persons who represent users of British Sign Language.

(7) This section is subject to sections 6 and 7.

2 Special responsibility

The Scottish Ministers are to assign to a member of the Scottish Government or a junior Scottish Minister special responsibility in relation to the exercise of their functions under this Act.

3 Listed authorities' British Sign Language Plans

(1) Each listed authority (see section 8) is, in each session of the Parliament, to prepare a plan to be known as a British Sign Language Plan (in this Act referred to as an "Authority Plan").

(2) But subsection (1) does not require an authority to prepare an Authority Plan in a session of the Parliament if the authority is not a listed authority as at the commencement of the session.

(3) An Authority Plan is—

(a) to set out measures to be taken by the listed authority in relation to the use of British Sign Language in connection with the exercise of the authority's functions,

(b) to set out timescales by reference to which any such measures are to be taken,

(c) where the listed authority has previously published at least one Authority Plan, to state how, when and to what extent measures to be taken by the authority by virtue of the most recently published such plan were taken, and

(d) to contain such other information (if any) as the Scottish Ministers may by order require.

(4) A listed authority, in preparing an Authority Plan—

(a) is to try to achieve consistency between that plan and the most recently published National Plan, and

(b) is to have regard—

(i) to the extent to which the authority's functions are exercisable using British Sign Language,

(ii) to the potential for developing the use of British Sign Language in connection with the exercise of those functions,

(iii) to any representations made to the authority in relation to using British Sign Language in that connection,

(iv) where the authority has previously published at least one Authority Plan, to such comments as are contained in any Performance Review which relates to the most recently published such plan, and

(v) to such guidance, relevant to the preparation (or revision) of Authority Plans, as may be issued by the Scottish Ministers.

(5) In preparing an Authority Plan a listed authority is to publish, and consult on, a draft of the plan and is to take into account any representations received by it by virtue of such consultation.

- (6) The persons consulted under subsection (5) are to be those who, the authority considers, are likely to be directly affected by the Authority Plan or otherwise to have an interest in that plan and in particular are to include—
- (a) persons who use British Sign Language, and
 - (b) persons who represent users of British Sign Language.
- (7) A listed authority may revise its current Authority Plan at any time.
- (8) Subsection (4) applies in relation to the revision of an Authority Plan as that subsection applies in relation to the preparation of such a plan.
- (9) An order under subsection (3)(d) is subject to the negative procedure.
- (10) This section is subject to sections 6 and 7.

4 Publication by listed authority

- (1) A listed authority's first Authority Plan is to be published as soon as reasonably practicable after (and in any event no later than 12 months after) the publication of the first National Plan.
- (2) A subsequent Authority Plan of the listed authority is to be published as soon as is reasonably practicable after (and in any event no later than 6 months after) each National Plan subsequent to the first National Plan.
- (3) Subsections (1) and (2) are subject to subsection (7).
- (4) As soon as reasonably practicable after a listed authority has revised an Authority Plan, the authority is to publish that plan in a form in which the changes made are clearly indicated.
- (5) Subject to subsection (6), publication under this section is to be in such manner as the authority thinks fit.
- (6) In publishing an Authority Plan (or a revised Authority Plan) under this section, a listed authority is to have regard to any guidance issued for the purposes of this section by the Scottish Ministers.
- (7) In the case of a body which becomes a listed authority after the commencement of the session of the Parliament in which the first National Plan is published—
- (a) subsections (1) and (2) do not apply,
 - (b) the body's first Authority Plan is to be published as soon as reasonably practicable after (and in any event no later than 12 months after) the publication of the National Plan in the first session from the beginning of which the body is a listed authority, and
 - (c) a subsequent Authority Plan of the body is to be published as soon as reasonably practicable after (and in any event no later than 6 months after) each National Plan subsequent to the National Plan mentioned in paragraph (b).
- (8) This section is subject to sections 6 and 7.

5 Performance Review

- (1) A report, to be known as a British Sign Language Performance Review (in this Act referred to as a "Performance Review")—
- (a) is to be prepared, and laid before the Parliament, by the Scottish Ministers, and

(b) following that, is to be published by them.

(2) The first Performance Review is to be published no later than 12 months before the date mentioned in subsection (3).

(3) That date is the date on which the session of the Parliament which next follows the session in which this Act receives Royal Assent would end were the Parliament, in that following session, dissolved by virtue of section 2(3)(a) of the 1998 Act.

(4) A Performance Review is to be published—

(a) in each subsequent session of the Parliament, and

(b) no later than 6 months before the date on which that session would end were the Parliament dissolved as mentioned in subsection (3).

(5) A Performance Review is to include, by reference both to the National Plan and to the Authority Plans of the individual listed authorities—

(a) an account of measures taken and outcomes attained,

(b) examples of best practice (and in the case of such an example by reference to the Authority Plan of an individual listed authority, is to identify that authority and to describe the best practice in question), and

(c) examples, if there are any, of poor performance (and in the case of such an example by reference to the Authority Plan of an individual listed authority, is to identify that authority and to describe the poor performance in question).

(6) This section is subject to sections 6 and 7.

6 Special provision where early dissolution of the Parliament

Schedule 1 makes special provision for circumstances in which there is early dissolution of the Parliament.

7 Alteration of date of publication of plan or review in exceptional circumstances

(1) The Scottish Ministers may, in circumstances which they consider to be exceptional (being circumstances other than those in which there is early dissolution of the Parliament) provide by order for a National Plan, an Authority Plan or a Performance Review to be published by a date other than provided for in this Act.

(2) An order under subsection (1) is subject to the affirmative procedure.

8 “Listed authority” and other expressions

(1) In this Act, any reference to a “listed authority” is to a public authority for the time being listed (or described) in schedule 2.

(2) In this Act, references to “the 1998 Act” are to the Scotland Act 1998 (c.46).

(3) The Scottish Ministers may by order modify schedule 2—

(a) by adding a public authority, or description of public authorities, to the list of authorities in that schedule,

(b) by removing a public authority, or description of public authorities, from that list, or

(c) by modifying an entry in that list.

- (4) An order under subsection (3) is subject to the affirmative procedure.

9 Commencement

This Act comes into force on the day after Royal Assent.

10 Short title

5 The short title of this Act is the British Sign Language (Scotland) Act 2015.

SCHEDULE 1
(introduced by section 6)

SPECIAL PROVISION WHERE EARLY DISSOLUTION OF THE PARLIAMENT

Special provision for first British Sign Language National Plan for Scotland

- 5 1 (1) Sub-paragraphs (2) and (3) apply where—
- (a) the Parliament is dissolved before the period of 12 months allowed by section 1(3) for the publication of the first National Plan has elapsed, and
 - (b) as at the date of dissolution that plan has not been published.
- 10 (2) The session in which the Parliament is so dissolved is not to be regarded as the session in which the first National Plan is to be published.
- (3) Section 1(3) is to be construed as requiring that plan to be published no later than 12 months after the commencement of the session of the Parliament which—
- (a) next follows the session in which the Parliament is so dissolved, and
 - (b) is not itself a session in which the Parliament is so dissolved.

15 *Special provision for other British Sign Language National Plans for Scotland*

- 2 (1) Sub-paragraphs (2) and (3) apply where—
- (a) the Parliament is dissolved before the period of 6 months allowed by section 1(4) for the publication of a National Plan other than the first such plan has elapsed, and
 - (b) as at the date of dissolution the awaited plan has not been published.
- 20 (2) The session in which the Parliament is so dissolved is not to be regarded as a session in which a National Plan is to be published.
- (3) Section 1(4) is to be construed as requiring the awaited plan to be published no later than 6 months after the commencement of the session of the Parliament which—
- (a) next follows the session in which the Parliament is so dissolved, and
 - (b) is not itself a session in which the Parliament is so dissolved.
- 25

Special provision for listed authority's first British Sign Language Plan

- 3 (1) Sub-paragraphs (2) and (3) apply where—
- (a) the Parliament is dissolved before the period of 12 months mentioned in section 4(1) has elapsed, and
 - (b) as at the date of dissolution a particular listed authority's first Authority Plan has not been published.
- 30 (2) The session in which the Parliament is so dissolved is not to be regarded as a session in which that plan is to be published.
- (3) Section 4(1) is to be construed as requiring that plan to be published as soon as reasonably practicable after (and in any event no later than 12 months after) the commencement of the session of the Parliament which—
- (a) next follows the session in which the Parliament is so dissolved, and
- 35

(b) is not itself a session in which the Parliament is so dissolved.

Special provision for other British Sign Language Plans of a listed authority

4 (1) Sub-paragraphs (2) and (3) apply where—

5 (a) the Parliament is dissolved before the period of 6 months mentioned in section 4(2) has elapsed, and

(b) as at the date of dissolution a particular listed authority's awaited Authority Plan has not been published.

(2) The session in which the Parliament is so dissolved is not to be regarded as a session in which an Authority Plan is to be published by the authority.

10 (3) Section 4(2) is to be construed as requiring the awaited Authority Plan to be published as soon as reasonably practicable after (and in any event no later than 6 months after) the commencement of the session of the Parliament which—

(a) next follows the session in which the Parliament is so dissolved, and

(b) is not itself a session in which the Parliament is so dissolved.

15 *Special provision for first British Sign Language Performance Review*

5 (1) Sub-paragraphs (2) and (3) apply where—

(a) the Parliament is dissolved before the date by which, under section 5(2), the first Performance Review is to be published, and

(b) as at the date of dissolution the first such review has not been published.

20 (2) The session in which the Parliament is so dissolved is not to be regarded as a session in which that review is to be published.

(3) Section 5(2) is to be construed as requiring that review to be published no later than 12 months before the date on which the session of the Parliament which—

(a) next follows the session in which the Parliament is so dissolved, and

25 (b) is not itself a session in which the Parliament is so dissolved,

would end were the Parliament, in that following session, dissolved by virtue of section 2(3)(a) of the 1998 Act.

Special provision for other British Sign Language Performance Reviews

6 (1) Sub-paragraphs (2) and (3) apply where—

30 (a) the Parliament is dissolved before the date by which, under section 5(4)(b), a Performance Review other than the first Performance Review must be published, and

(b) as at the date of dissolution the awaited review has not been published.

(2) The session in which the Parliament is so dissolved is not to be regarded as a session in which a Performance Review is to be published.

35 (3) Section 5(4) is to be construed as requiring the awaited review to be published no later than 6 months before the date on which the session of the Parliament which—

(a) next follows the session in which the Parliament is so dissolved, and

(b) is not itself a session in which the Parliament is so dissolved, would end were the Parliament, in that following session, dissolved by virtue of section 2(3)(a) of the 1998 Act.

SCHEDULE 2
(introduced by section 8(1))

LIST OF PUBLIC AUTHORITIES

Children’s Hearings Scotland.

The Commissioner for Children and Young People in Scotland.

The Common Services Agency constituted under section 10 of the National Health Service (Scotland) Act 1978 (c.29) and known as NHS National Services Scotland.

A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39).

The Crown Office and Procurator Fiscal Service.

The executive agency known as Education Scotland.

A Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978.

The Mental Welfare Commission for Scotland.

The Office of the Scottish Charity Regulator.

The Parole Board for Scotland.

A post-16 education body (as defined by section 35(1) of the Further and Higher Education (Scotland) Act 2005 (asp 6).

The Scottish Children’s Reporter Administration.

The Scottish Court Service.

The Scottish Fire and Rescue Service.

The Scottish Further and Higher Education Funding Council.

The Scottish Legal Aid Board.

The Scottish Parliamentary Corporate Body.

The Scottish Police Authority.

The Scottish Prison Service.

The Scottish Public Services Ombudsman.

The Scottish Qualifications Authority.

The Scottish Social Services Council.

The Scottish Tribunals Service.

Social Care and Social Work Improvement Scotland.

The Special Health Board constituted under section 2(1)(b) of the National Health Service (Scotland) Act 1978 and known as the Scottish Ambulance Service Board.

The Special Health Board constituted under that section of that Act and known as NHS 24.

The Special Health Board constituted under that section of that Act and known as the National Waiting Times Centre Board.

5 The Special Health Board constituted under that section of that Act and known as the State Hospitals Board for Scotland.

The Student Awards Agency for Scotland.

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