

Scots Languages Bill

Policy Memorandum

Introduction

1. As required under Rule 9.3.3 of the Parliament's Standing Orders, this Policy Memorandum is further to the Scots Languages Bill introduced in the Scots Parliament on 29 November 2023.

2. The following other documents that go along with the Scots Languages Bill are further to their aim:

- Explanatory Notes (SP Bill 39–EN);
- a Financial Memorandum (SP Bill 39–FM);
- a Delegated Powers Memorandum (SP Bill 39–DPM);
- statements on legislative competence by the Presiding Officer and the Scots Government (SP Bill 39–LC).

3. This Policy Memorandum has been devised by the Scots Government to set out the Government's policy behind the Bill. It does not form part of the Bill and has not been endorsed by the Parliament.

Policy objectives of the Bill

4. The policy objective of this Bill is to give more support for Scotland's heritage, Gaelic and Scots. Its provisions take their lead from Scots Government manifesto commitments and make statements about the status of Gaelic and Scots. Though the provisions of this Bill take their lead from Scots Government commitments, the Bill seeks to respond to the wish clearly put forward in the Gaelic and Scots communities for more support to be put in place for their heritage. There has been consultation responses but not in any way engagement with Gaelic and Scots representatives and interests.

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5. The Bill will forder the uphauin and promotion o Gaelic and Scots by bringin in a hantle o meisures that will hae implications in a nummer o sectors in Scots public life. The provisions o this Bill big upon current policy priorities that are in place the noo wi the aim o makkin the new package o meisures mair efficient for the progress that is needit for Gaelic and Scots. The Bill will include a duty on Scots Ministers tae devise a Gaelic leid strategy and a pouer tae devise staunards for public authority ongauns, includin Gaelic education. As is the case the noo, it will be necessar for Scots public authorities tae come up wi a Gaelic leid plan and in future thir plans will tak their lead frae the strategy and staunards. The Bill will bring in the possibility o areas o muckle linguistic mense tae allou for proportionate delivery. Bòrd na Gàidhlig will hae a vital role in thir new provisions but wi a mair muckle focus on baith delivery at a community level and reportin on compliance for the abuin.

6. The Bill will include a duty on Scots Ministers tae devise a leid strategy for Scots and tae devise secondary legislation on Scots. This is the first time that Scots has featured in legislation and the Bill provisions will include a statement about the status o the Scots leid. This is a lang-staunin wish o the spikker community. Statements on the status o Scots hae aft been makkit in non-legal documents and in ministerial statements but no in legislation. Scots has been taen tent o in the Cooncil o Europe's Charter for Regional and Minority Leids and in proceedins o the British-Irish Cooncil. Forby thon, the Bill will include ither important provisions tae promote the uise and recognition o Scots in public and community life.

7. The provisions o this Bill will kythe continuity wi the meisures that are awready in place. The aim is tae mak the new package o meisures mair effective for the progress that is needit for Gaelic and Scots. Whaur the Bill maks statements on official recognition for Gaelic, it is biggin upon current status statements in the Gaelic Language (Scotland) Act, 2005. Scots Ministers will devise a Gaelic leid strategy that will tak the place o the Bòrd na Gàidhlig duty tae devise a National Gaelic Leid Plan. Scots Ministers will devise Gaelic leid staunards that will tak the place o the Bòrd na Gàidhlig duty tae devise guidance.

8. It will noo be necessar for Scots public authorities tae tak tent o the Gaelic leid strategy and Gaelic leid staunards in devisin their Gaelic leid plans raither than guidance on Gaelic leid plans. Bòrd na Gàidhlig will report tae the Scots Pairliament and tae the Scots Ministers on Gaelic leid plan compliance and this will gang alang wi the current Bòrd na Gàidhlig monitorin regime. Scots Ministers will devise a Scots strategy that will be uphauit by provisions for guidance and staunards for Scots leid education. Thir will tak the place o the current Scots Government Scots policy.

Background

9. The establishment o the Scots Pairliament in 1999 marked a turnin pynt in uphauin for Scotland's leids. Thon year, the Scots Executive pit thegither a taskforce on the public fundin o Gaelic. Its findins, kent as the MacPherson Report, set furth that:

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“The bottom line for Gaelic is that, in a new Scotland, the survival and revival of a national asset is shuirly desirable and possible. It’s time for revitalisation. It’s time for a chynge in paradigm.”

This was followed in 2002 by the setting out of a Ministerial Advisory Group on Gaelic that recommended that:

“a pre-election pledge be sought from all parties to bring about a Gaelic Language Act within 3 years... A Gaelic Act should build up future Gaelic language strategies.”

This was brought about with the Gaelic Language (Scotland) Act 2005 (the “2005 Act”). In the years since, upholding for Gaelic in Scotland’s schools has been supported by the School Consultation (Scotland) Act 2010 and in the Education (Scotland) Act 2016 (the “2016 Act”). More progress can be seen in the work of MG ALBA, Sabhal Mòr Ostaig and the work of a number of Gaelic bodies. For Gaelic this progress will be supported and built upon with the provisions of this Bill and for the first time there will be legislative provision as regards to Scots.

10. The Scots Government made a number of manifesto commitments to the Gaelic and Scots languages in 2021. Among these are those that can be thought of as headline commitments. These are to set in place a new strategic approach to Gaelic medium education, to look into the making of a Gàidhealtachd, to review the structure and workings of Bòrd na Gàidhlig (BnG) and to take action on the Scots language.

11. The Scots Government consulted on these commitments between August 2022 and December 2022. Over 750 responses were received. The responses and analysis¹ of the consultation were published in June 2023. The provisions of the Bill take account of the consultation responses as set out in more detail below.

Part 1: Gaelic

Chapter 1: Upholding of the Gaelic Language

Status of the Gaelic language

12. The 2005 Act formed Bòrd na Gàidhlig as “a body which will be set up to look into the status of the Gaelic language as an official language of Scotland and to ensure that it has equal status with the English language”. This provision of the Bill seeks to take account of Gaelic as having official status within Scotland. Official status will be supported by the success of Bòrd na Gàidhlig in securing Gaelic’s position across Scotland’s public life in the years since the 2005 Act was passed. It will take account of the work done by many other public bodies within their Gaelic language plans towards making progress on this aim. Moreover, official status is a provision that will support the

¹ Scots Languages Bill, Consultation Analysis - <https://www.gov.scot/publications/analysis-consultation-responses-gaelic-scots-commitments-relative-scottish-languages-bill/documents/> Scots Languages Bill, Consultation, Published responses - <https://consult.gov.scot/education-reform/gaelic-and-scots-scottish-languages-bill/>

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confidence of the speaker community and give more weight to future titles on behalf of Gaelic.

Wirkins o Bòrd na Gàidhlig

13. Bòrd na Gàidhlig is a non-departmental public body funded by the Scots Government to uphold the promotion of Gaelic. Through the Bill, it will be necessary for Bòrd na Gàidhlig to furnish reports on compliance by public bodies with the Gaelic lead strategy and standards for Gaelic. What is changing is the focus of its work so that it is looking at practice throughout the public sector. It will be able to report directly to Parliament rather than solely through Scots Ministers. These measures and the fact that it is able to furnish reports will make more of its voice and leverage, making its messages more strong and more useful. Section 2 of the Bill changes the workings of Bòrd na Gàidhlig.

Bòrd na Gàidhlig corporate plan

14. This section introduces a statutory requirement for Bòrd na Gàidhlig to have a corporate plan. The new Bòrd na Gàidhlig puts out both the National Gaelic Lead Plan and its own Corporate Plan. Under Section 5, the Gaelic lead strategy devised by Scots Ministers will over time take over from the National Gaelic Lead Plan. From this point forward, Bòrd na Gàidhlig's Corporate Plan will set out how the Bòrd makes use of its workings to implement the delivery of the Scots Ministers' Gaelic lead strategy. This will increase the status of the Gaelic lead strategy document while at the same time making clear that Bòrd na Gàidhlig's role is plain in implementing the Gaelic lead strategy and that this is set out in the corporate plan.

15. Section 4 of the Bill changes schedule 1 of the 2005 Act to make it necessary for Bòrd na Gàidhlig to devise a corporate plan and submit this to the Scots Ministers for approval.

Areas o Muckle Linguistic Mense

16. The Bill will introduce areas of muckle linguistic mense. An area might be created if it has a number of people with Gaelic lead skills, is historically connected with the use of Gaelic, has Gaelic educational provision or has a good amount of Gaelic speakers. It will be for the local authorities to think about their communities and to decide what areas they want to be created as areas of muckle linguistic mense. This provision is vital for ensuring that steps will be taken in areas that have a good number of Gaelic speakers while at the same time taking into account the fact that Gaelic should be upheld throughout Scotland. Both messages were clearly put in consultation.

17. A number of pilot initiatives are in place, in areas such as Staffin and South Uist, where groups in local areas are working together with the support of Bòrd na Gàidhlig to set out their lead planning needs and strategy for their local areas. These are local community initiatives that will rely on a set of Gaelic measures for the area. These initiatives will also be supported by BnG as they are now. This provision described above will contribute to and make clear of these local initiatives.

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18. The local authority maun speir at interestit fowk and mak public the proposed cryin o an area afore pittin it forrit tae the Scots Ministers for approval. A cryin nicht be chynged or revoked, wi sic chynges or revocations bein subject tae the same process o consultation, publication and submission for approval. The Scots Ministers nicht gie guidance tae local authorities relatin tae their wirkins unner this section and a local authority maun tak tent o sic guidance. A relevant public authority maun set oot the measures tae be taen in relation tae the exercise o its wirkins in an area o muckle linguistic mense in its Gaelic leid plan.

Gaelic leid strategy

19. It will be necessar for the Scots Ministers tae devise and consult upon a Gaelic leid strategy. The Gaelic leid strategy will tak the place o the five-year National Gaelic Leid Plan devised by Bòrd na Gàidhlig the noo. Sae as tae forder forrit wi Gaelic it is necessar that there is a greed upon set o priorities for the leid and that the provision o a Gaelic leid strategy will be gied greater status by bein gied oot straicht frae Ministers.

Gaelic leid staunards

20. The Bill maks provision for Scots Ministers tae hae a pouer tae set staunards for Gaelic in regulations. The intendit uise o the staunards pouers in the initial period o the cairryin oot o the Bill will be tae shift content and requirements that hae kythed in statutory guidance and Gaelic leid plans intae regulations. This will siccar base line requirements that the Scots Administration will hae tae comply wi and will mak shuir that staunards are aye kept tae. The three elements o Gaelic leid strategy, staundarts and Gaelic leid plans will wirk thegither tae mak siccar o progress and consistency in the promotion o Gaelic in Scotland.

Duties o relevant public authorities

21. Unner the Bill, it will be necessar for relevant public authorities tae tak tent o the value o promotin and uphaudin the uise o the Gaelic leid in makkin uise o their wirkins. Scots Ministers will hae a pouer tae gie guidance tae relevant public authorities relatin tae their duty tae Gaelic and Scots Ministers will hae a pouer forby tae gie directions. A mair eident approach is necessar for the promotion and uphaudin o Gaelic. This provision will big upon the achievements o institutional Gaelic leid plans syne the 2005 Act. Guidance and directions frae the level o Scots Ministers will mak siccar thir duties hae mair authority.

Reportin on Gaelic leid strategy, staunards and duties

22. The Bill maks it necessar for Bòrd na Gàidhlig tae devise and furthset reports about the Scots Ministers' progress taewards raxin the objectives in the Gaelic leid strategy, and the compliance by relevant public authorities (either oweraw or in particulars) wi their duty tae tak tent o the Gaelic leid strategy and tae comply wi staunards and requirements set oot in regulations, and tae furthset and pit thir reports afore the Scots Pairliament. This reportin requirement will encourage Bòrd na

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Gàidhlig to hielicht guid practice and share examples o forderin forrit alang wi pyntin oot areas that need takkin tent o and suggestin whit actions micht be thocht aboot to address gaps.

Gaelic leid plans

23. The Bill maks sindry chynges to section 3 o the 2005 Act on Gaelic leid plans sic as takkin accoot o the new Gaelic leid strategy. The direction-makkin pouer is a vital lever in the structure oweraw. It wad, houaniver, be intendit to be used infrequently and as a last resort.

24. A Gaelic leid strategy will be introduced in place o the current National Gaelic Leid Plan. This maks possible the wantit shift in authorship frae Bòrd na Gàidhlig to the Scots Ministers. As sic, the framewark the Gaelic leid plans o sindry public bodies are devised athin will be ane that comes frae the level o Scots Ministers. Scotland's public bodies will sicweys be respondin to a national leid strategy devised by Scots Ministers and uphaudit faurer by a duty on Scots Ministers to promote and forder Gaelic education.

25. This provision maks ane chynges forby to section 6 o the 2005 Act regairdin the monitorin o Gaelic leid plan implementation. Athin the system the noo, annual monitorin reports on Gaelic leid plans are submittit follaein a formal request to a public body by Bòrd na Gàidhlig. Unner this provision, it will be necessar for public bodies to eidently report to Bòrd na Gàidhlig on the cairryin oot o their plans. The desired effect o this is to mak siccar o mair accoontability on the pairt o public bodies in their ettles to uphaud and promote Gaelic – answerin the set furth need for mair action across Scotland's public landscape in cairryin oot the commitments o Gaelic leid plans.

26. Section 9 inserts forby a new section 7A to the 2005 Act allouin the Scots Ministers to gie guidance to relevant public authorities on Gaelic leid plans, and to gie directions relatin to the application o the staunards and requirements set oot in regulations unner section 2C(1) to the preparation o the plan. This taks the place o the guidance pouers o Bòrd na Gàidhlig in section 8 o the 2005 Act, which is repealed.

27. Guidance on Gaelic leid plans is issued the noo by Bòrd na Gàidhlig. This chynges will mak siccar that the preparation o sic guidance follaes the mair usual practice o bein issued frae the level o Scots Ministers rather than a non-departmental public body. The direction-makkin pouer is thocht necessar in uphaudin oor hamelt minority leids in the event that there are circumstances whaur a direction is necessar to win to a national policy aim or to uphaud a body to tak the action it is settin oot to tak.

Land richts and responsibilities statement: regaird to be had to uphaudin Gaelic

28. Unner section 1 o the Land Reform (Scotland) Act 2016, the Scots Ministers maun devise and furthset a land richts and responsibilities statement: a statement o

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principles for land rights and responsibilities in Scotland. Section 10 of the Bill adds the want for promoting, fostering and upholding the Gaelic leid to the list of matters that the Scots Ministers must take into account in devising the statement.

29. The concentration of multiple parts of Gaelic speaking Scotland in rural, island communities means that the questions of leid development and land use are nearhand to one another. This is seen in the recent Report of the Short Life Working Group on Economic and Social Opportunities for Gaelic. Among its recommendations was that landowners in designated Gaelic communities should show and state their upholding of the leid within their Land Rights and Responsibilities Statement. The salience of land issues with Gaelic revitalisation is seen for example in the work done by the Scots Government's Gaelic & Scots Division and Bòrd na Gàidhlig with bodies such as Community Land Scotland or syndry estate trusts. Though it does not relate to landowners' statements, this provision is a means of making clear that Gaelic is always taken into account in matters relating to land use in Scotland.

Chapter 1: Other approaches

30. The manifesto commitments of 2021, including the introduction of a Scots Languages Bill, were endorsed by Scots Ministers and within this, other approaches were thought about in vital areas such as leid status, Bòrd na Gàidhlig workings, Gaelic leid plans and areas of multiple linguistic sense. These have been outlined below.

Leid status

31. All minority leids share a concern for profile and status in the countries and regions where they belong. As another way of including a direct statement about status, the Scots Government considered that, to an extent, the want for more multiple status would be satisfied by virtue of the provisions that are being brought forward in this Bill. The Bill provisions will give a more strong structure for these leids and bring about considerable improvements to the upholding available to them. These measures will for example have a positive impact on the status of the leid. However, in considering consultation responses a strong wish has been taken into account that, for example, a plain statement of leid status should be included in the Bill as well. This has not been included and was supported for example in discussions with other jurisdictions around minority leid policy.

Bòrd na Gàidhlig

32. Other approaches were thought about for Bòrd na Gàidhlig and where it sat as regards to Government, including agency status. These discussions concluded that there was value in having a public body, at arms-length to government, and that it should have both an upholding and a leading role along with a monitoring function. Though a Leid Commissioner is used in other countries, the context is not the same. When Wales appointed a Leid Commissioner the work of the Welsh Leid Board stopped. In Scotland, as set out above, there is also a need for and value in having a Gaelic public body with promotional workings. As regards to this, the approach of a Leid Commissioner was

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thocht about, as wi Wales and Ireland, and this restructurin wisnae recommendit tae Scots Ministers.

33. As abuin, there is value in Bòrd na Gàidhlig aye haein an uphaudin and promotional role and jynin this up wi monitorin o Gaelic ongauns. Houaniver, steps hae been taen in the Bill that upbig the monitorin and reportin role o BnG tae mak siccar o better compliance wi Gaelic priorities and commitments.

Areas o Muckle Linguistic Mense

34. In relation tae uphaudin o Gaelic, consideration wis gied tae the makkin o a Gàidhealtachd. This wad be a geographical area, mebbes alang the Irish model, whaur there wis a guid nummer o Gaelic spickers and certain meisures for uphaudin the leid were expectit. For aw that the term Gàidhealtachd is weel-kent in Scotland as referrin historically tae the Hielands, it has never been a term that has been seen in a policy context.

35. Follaein consultation, discussions wi ither jurisdictions, and consideration o the Gaelic profile in Scotland, this approach didnae hae support as the principal model and policy tae tak forrit for this Bill. The mair persuasive message frae consultation and preferred policy priority wis that Gaelic wis a leid for aw o Scotland and an approach should be taen that uphaudit Gaelic baith in urban environments and in island communities. There is a guid amoont o Gaelic ongauns and lairnin in toons and cities. This inpits tae the hale darg o the uphaudin o Gaelic and there wadnae be muckle benefit in a narrae Gàidhealtachd policy that nicht lowden the importance o this ongaun. The approach has been taen forrit that Gaelic should be uphaudit throughout Scotland, but this forby has includit the possibility o a proportionate uphaudin, dependin on the profile o the leid in different areas.

36. Wi the takkin forrit o the phrase and norrie o areas o muckle linguistic mense, there wis ither options tae think about as regards tae whaur the responsibility should lie for the cryin o sic areas. Alternatives, includin Scots Ministers and Bòrd na Gàidhlig, were considert and assessed and, follaein this assessment, the decision wis taen that the Bill provisions should place the duty o designation wi local authorities as they sit maist nearhaund tae the communities whaur this will hae an impact and they awready deliver services tae thir areas. Ither options, as set furth abuin, wadnae hae the same level o relationships wi the areas unner consideration.

Gaelic leid plans

37. Ither approaches were considert forby for Gaelic leid plans and the National Gaelic Leid Plan. The Scots Government kens o some concerns about the effectiveness o Gaelic leid plans. There were consultation responses that taen the view that there isnae muckle value in the ongauns associatit wi Gaelic Leid Plans. At the same time, ither consultation responses wantit tae see mair strang commitments and better delivery in Gaelic leid plans. Gaelic leid plans are, houaniver, inbiggit tae Scots public life, they hae inpittit tae makkin forrit wi progress wi Gaelic development, and the Scots Government assessment is that they should bide as is.

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The National Gaelic Leid Plan will be replaced by a Gaelic leid strategy that will be devised by Scots Ministers and this Strategy will be vital to the ongoing priorities and commitments set out in Gaelic leid plans.

Chapter 1: Consultation

38. The consultation did not specifically speak about the official status of either Gaelic or Scots. However, the consultation paper did state that the Scots Languages Bill would take “mair steps to uphold Gaelic, act on the Scots leid and take into account the fact that Scotland is a multilingual society.” Responses received to the consultation, mainly from a wide range of Gaelic speakers, highlighted a hope that Gaelic would be given official recognition within Scotland. This was thought of as a measure that would add to the prestige of the leid and give more weight to practical efforts on its behalf. One point of view was put forward by one respondent who stated that such a measure would highlight Gaelic’s importance in public life: “I doubt a brave way to combat this would be to make Gaelic an official leid of Scotland, to give it the same status as Welsh has in Wales, and Irish in the Republic of Ireland. This would help to change the public perception surrounding its importance.”

Bòrd na Gàidhlig

39. The consultation sought respondents to give their views on Bòrd na Gàidhlig’s duties to date, how they could work better, and structural changes to the Bòrd that would support the promotion and upholding of Gaelic in Scotland.

40. The response to the consultation showed a desire for Bòrd na Gàidhlig to have more influence in decisions regarding the promotion of Gaelic. The muckler voice and leverage the body will have as a result of the Bill will go some way towards meeting this desire. Consultation responses took into account the challenges faced by Bòrd na Gàidhlig through its resources split between leid promotion, regulation and enforcement. One respondent stated that “Bòrd na Gàidhlig is struggling to do over much with over little. Gaelic leid plans take up a lot of resources and BnG is not able to act as police to them. There is a threat for another body to regulate plans and focus on this element.” Their comments were received mainly from community groups and a wide range of people with a leid interest and not many from public authorities.

41. The Bill, by placing the duty for regulation on Scots Ministers and giving Bòrd na Gàidhlig focus on promotion and enforcement, will help towards a more efficient working method for the Bòrd. There are provisions that have the potential to reduce the workload on BnG and these include the Scots Ministers taking responsibility for the Gaelic leid strategy and Gaelic leid standards and including the Scots Parliament in compliance work.

Gaelic leid plans

42. Another criticism that was set out by community groups was the habit of bodies working with Gaelic leid plans to operate in silos. It was felt that a more holistic emphasis on partnership was necessary between the public and private sectors. This criticism took

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the view forby that Gaelic development should tak tent o the leid's sindry needs in different pairts o Scotland and different social sectors. The follaein response wis uisefu in kythin sindry aspects o a pynt o view set oot athort the consultation: "A new jynt pan-Hielands and Islands and a pan-Scotland programme o development activity should be creatit and cairried oot atween the Bòrd and ither development bodies tae mitigate against a 'silo' mentality gettin attached tae Gaelic development and recognisin that uphaudin in terms o the promotion and bieldin for Gaelic raxes ayont the remit o the Bòrd.". The combined initiatives o a Gaelic leid strategy, Gaelic leid stauards and areas o muckle linguistic mense will bring about this closer wirkin and co-operation wi a focus on the distinct needs o an area.

43. It could be threaped that the desire for a "pan-Hielands and Islands" and a "pan-Scotland programme" o Gaelic development is, tae some extent onyway, answered by existin programmes sic as the Scots Government's Convention o the Hielands and Islands and its Faster Rate o Progress initiative. At the same time, the Bill ettles tae mak mair o the ability o public bodies tae devise Gaelic policies suitit tae their geographical and professional remits through the issuin o stauards and guidance by Scots Ministers.

44. This will allou Bòrd na Gàidhlig, through its mair muckle monitorin role, tae gie a mair hale-heidit owerview o the Gaelic policy landscape and will allou better communication atween public bodies and be a means o sortin the "silosation" o Gaelic development. Pittin a duty on public bodies tae eidently report tae Bòrd na Gàidhlig on the cairryin oot o their Gaelic leid plans is a measure wi the aim o makkin siccar that ettles for Gaelic uphaudin are mair effectively taen by Scotland's public bodies – liftin the burden placed on Bòrd na Gàidhlig the noo.

45. It wis important tae consultation respondents that Bòrd na Gàidhlig be a kenspeckle body in the promotion o Gaelic and ane that wis able tae haud ither bodies accoontable in their promotion o Gaelic. Ane response tae thon effect suggestit that Bòrd na Gàidhlig "seems as if it hasnae got muckle tae tell us. Makkin it mair strang... wad increase its valency and purpose." Makkin siccar that the Bòrd's Corporate Plan plainly ootlines its exercises and wirkins as regards tae the Scots Ministers' Gaelic leid strategy will bring this about. As Bòrd na Gàidhlig is nae langer tae draw up a set o Gaelic priorities as afore in the National Gaelic Leid Plan, this provision maks possible a public statement o BnG priorities, and it maks the link wi the Gaelic leid strategy, and it forby gies oot a plain statement o whit ministers can expect o Bòrd na Gàidhlig.

A Gàidhealtachd

46. Unner the Gàidhealtachd manifesto commitment, the consultation speired respondents for their thochts on the measures that should be in place tae uphaud Gaelic spickers in areas wi a guid nummers o spickers; how sic areas should be defined; and how sic measures and definitions could be balanced wi the principle that Gaelic wis a national leid for aw o Scotland.

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47. Some responses to the consultation put forward a threat for more targeted upaidin for Gaelic, especially in island areas. The view was put forward that this upaidin should bring together other social and economic issues, such as housing and employment, affecting the land at community level. However, it was strangely threatened that any such upaidin should not work against Gaelic's status as a national land for all Scots nor cause tensions between first and second land Gaelic speakers or between speakers in island communities and the central belt.

48. The policy approach taken within the areas of muckle linguistic mense provision has sought to balance these views. It has drawn on other sources such as the recommendations of the Short Life Working Group on Economic and Social Opportunities for Gaelic. This report was commissioned by Scots Ministers and used the concept of Key Gaelic Communities as an important policy device for prioritising certain Gaelic provision in the Highlands and Islands. The policy choice of areas of muckle linguistic mense rather than Gàidhealtachd or key Gaelic communities is due to the ability of areas of muckle linguistic mense to apply to a broad range of areas, not just areas of low population in the Highlands and Islands. This was a recurring point of criticism in the consultation responses.

49. The need for official Gaelic policy to take more account of community level differences was a common response within the consultation – especially as regards the operations of Bòrd na Gàidhlig. Designating areas of muckle linguistic mense sets out a community framework within which Gaelic development can take place. With Gaelic development it has always been taken into account that a proportionate approach should be followed as it is not likely that the same policy approach should be used in, for example, Highland Council and Scots Borders as regards Gaelic.

50. This proportionate policy approach has always been part of Gaelic promotion and development but never taken forward as a formal policy approach. In taking a lead from the manifesto commitments and the consultation responses, this proportionate policy approach is being incorporated into Gaelic development but not at the expense of the promotion of Gaelic throughout Scotland.

A Gaelic Land Strategy

51. There was a threat within the consultation responses for a national Gaelic land strategy that would give a more cohesive approach to land development throughout the country. This is a broadly held view among Gaelic interests and has been continually set out over the last thirty years and more. Consultation responses were developing the proposals to set out a national strategic approach to Gaelic medium education and to review the structures and workings of Bòrd na Gàidhlig. The plainest statement of this threat was one respondent's view that "A Scots Languages Bill must deliver a national Gaelic land strategy for the next 25 years – A plain vision for the land to catch the imagination of the public - led at ministerial level with Scots Government expectations very plain."

52. Despite the long-term ambition set out in this particular response, a shorter timeframe has been maintained within the Bill to make sure of more muckle flexibility

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to the strategy and allow it to respond to changing circumstances. The provision for a Gaelic lead strategy enables to satisfy some aspects of this threat – most notably the need for the long-term vision for Gaelic's development to come from the level and authority of Scots Ministers.

53. However, respondents took note of Bòrd na Gàidhlig's expertise in Gaelic education and the work done by the body in promoting Gaelic in the educational sector. The University of Glasgow, for example, in its response took note of "the outstanding work carried out by Bòrd na Gàidhlig by a relatively small body of eminent and hard-working folk. They have been an invaluable resource to the University as we have developed our third Gaelic lead plan of late."

A Lead Commissioner

54. Some responses to the consultation threatened for a new post to be created for a Lead Commissioner. To some extent this was following the example of similar offices in Wales and Ireland. This view was shared by academic interests and community groups. Submissions on the topic were a mixed matter in their view as to whether a Lead Commissioner should take the place of or sit alongside the role of Bòrd na Gàidhlig. Such a position would have powers to monitor the compliance of public bodies with their duties to uphold Gaelic. This was made possible by accountability in relation to the national Gaelic lead strategy. Other responses threatened for this role to be taken on by Bòrd na Gàidhlig – specifically as regards to Gaelic medium education.

55. The commissioner role is one that would allow the body to act as an ombudsman, mediating between the national lead strategy and its carrying out by local authorities. The latter approach in the paragraph above is the one put forward for the Bill in view of the operating context in Scotland. Though a commissioner has been set in place in other countries, the context is different in Scotland. When Wales put in place a Lead Commissioner the work of the Welsh Lead Board stopped. In Scotland, as set out in paragraph 32 above, there is already a need for and value in having a Gaelic public body that has the function of promoting Gaelic and monitoring Gaelic organisations.

56. It was requested that local authorities better promote and make use of Gaelic through their workings. More accountability was desired for the extent to which a national lead strategy and local lead plans are carried out by local authorities and how relevant staff is used. Respondents threatened that such directions must come from the ministerial level. Within the Bill this is provided for by the placing of duties on relevant public authorities to think about the promotion and upholding of Gaelic while making use of their workings. This will be made possible by the giving out of guidance and directions by Scots Ministers on the duty of public bodies towards Gaelic.

57. For the burden of duties taken on the now by Bòrd na Gàidhlig, a need was pointed out for more context specific Gaelic lead plans fit for the needs of various authorities. This could be brought about by Scots Ministers taking on the guidance role currently the now by Bòrd na Gàidhlig. Scots Ministers could then direct authorities in the particular standards they must meet within their Gaelic lead plans, with regard to what

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context the plans are being carried out in. As a result, this will be supported by the issue of guidance and direction by Scots Ministers.

58. The Bill provisions have been shaped by feedback about the formal consultation. To date there has been the Report of the Short Life Working Group on Economic and Social Opportunities for Gaelic. Among its recommendations was for landowners to “show and state how they uphold the lead in their Land Rights and Responsibilities statement”. In particular, it was expected that they should give evidence of projects and initiatives that deliver social and economic outcomes for Gaelic. While it does not relate to landowners, section 10 of the Bill goes some way towards addressing this desire for Gaelic to be taken into account in issues of land use in Scotland.

Chapter Two: Education

Duty of Scots Ministers to promote and uphold Gaelic education

59. Section 11 of the Bill inserts a new section 6A into the 2016 Act. This imposes a duty on the Scots Ministers to promote and uphold the provision in schools of Gaelic learner education and Gaelic medium education and the teaching of the Gaelic lead in the provision of further education by education authorities.

60. Gaelic medium and Gaelic learner education have made much progress through the efforts of local authorities. This will be made more so with the new national strategic approach that this Bill will put in place. A duty will be put upon Scots Ministers to promote, support and uphold the provision of Gaelic learner education, Gaelic medium education in schools and the teaching of the Gaelic lead in an Education Authorities provision of further education. This duty on the Scots Ministers will combine with and build upon the existing efforts of education authorities as part of the national lead strategy and will help local authorities address the challenges they face in their provision of Gaelic medium, learner and further education.

Powers for Scots Ministers to set standards for Gaelic education in schools

61. Section 12 of the Bill inserts a new section 6B into the 2016 Act. This gives the Scots Ministers power to make regulations to set out the standards and requirements that an education authority must conform to in making use of its resources as regards to Gaelic learner education, Gaelic medium education and teaching of Gaelic in its provision of further education.

62. In devising regulations, the Scots Ministers must take into account the various interests set out in subsection (4). Regulations may make different provision for different aims and different areas (including different parts of an education authority's area) and are subject to the negative procedure. The good progress that has been seen in Gaelic education, the provision of standards will address a number of the issues that are currently viewed as obstacles in Gaelic medium education and will make plain to parents what can be expected when a young person starts Gaelic medium education. Broadly, the issues that would be thought of as areas that need to be addressed in

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GME/GLE include the follaein. GME ingang to provision and local authority promotion o GME, GME as a 3-18 experience and GME continuity, GME subject choice, curriculum and assessment arrangements, GME teacher recruitment, placement, retention and professional learning, Teacher and pupil support and resources, 0-3, early years provision and linguistic acquisition, Class sizes, lead assistants, immersion and fluency, Taking account o GME when setting national expectations, Inclusion o GME in the planning for and reporting by schools where GME is available, Gaelic learner education at all levels and setting out how national bodies and agencies can better work together to uphold GME and GLE. Some o this has been included in the Statutory Guidance on Gaelic education and will be addressed for by in Standards and Strategy.

Guidance to public authorities on Gaelic education

63. Section 13 o the Bill inserts a new section 6C into the 2016 Act, giving the Scots Ministers a power to give guidance to relevant public authorities (as set out in subsection (5), to be consistent with the definition in the 2005 Act) in relation to the provision o Gaelic learner education and Gaelic medium education. The provision o guidance will help with more detail on the carrying-out o these provisions and Scots Ministers may speak at interested parties in devising the guidance.

64. Statutory guidance is already in place for Gaelic education. However, while the Bill changes is the author o the guidance – with Scots Ministers taking on the power to issue the now by Bòrd na Gàidhlig. This will follow the more usual process for statutory guidance being issued by Scots Ministers rather than an NDPB. This will allow statutory guidance to take account o advice and practical expertise from a range o areas and to keep pace with changes in broader policy areas.

Directions to education authorities about Gaelic education

65. Section 14 o the Bill inserts a new section 6D into the 2016 Act, giving power to the Scots Ministers to give directions to education authorities about the performance o their workings under Part 2 o the 2016 Act relating to Gaelic learner education and Gaelic medium education.

66. While the delivery o education is for local authorities, in a minority sector such as Gaelic medium education, there might be circumstances where recourse to a direction power is useful or necessary to win to a national policy aim or uphold certain action.

General duty to provide education includes Gaelic education

67. Section 15 o the Bill changes the Education (Scotland) Act 1980 so as to make it plain that an education authority's duty to secure the provision o good and efficient school education for the authority's area might include Gaelic learner education and Gaelic medium education. This now longer applies only in Gaelic speaking areas. For by, the teaching o the Gaelic is as part o an education authority's duty to provide further education now longer applies only in Gaelic speaking areas. This provision makes a change that is vital for by for the status o Gaelic.

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68. This section takes tent o the fact that the geography o Scotland's Gaelic spikkin communities has chynge a guid deal syne the Education (Scotland) Act 1980. The Gaelic spikkin population is noo sindert awmaist hauf-and-hauf atween the traditional Gaelic spikkin areas athin Comhairle nan Eilean Siar, Hieland Council and Argyll & Bute Council and the Gaelic communities o Glesga City Council and Embra City Council, amang ither local authorities. The latter areas mak up forby some o the leid's areas o maist muckle growth and the ability tae hae ingang tae ilka form o Gaelic education athin them is vital tae its sustainability. This provision inpits tae the aim o braidenin the areas whaur Gaelic is considerit.

Duty tae promote Gaelic education in makin uise o wirkins unner the Education (Scotland) Act 1980

69. Section 16 o the Bill inserts a new section 14A intae the 2016 Act. In makin uise o its wirkins unner the Education (Scotland) Act 1980, an education authority maun promote and uphaud Gaelic lairner education and Gaelic medium education and tak tent o the needs and interests o pupils and wad-be pupils.

Information-sharin about Gaelic education

70. Section 17 o the Bill inserts a new section 16A intae the 2016 Act. This allous Bòrd na Gàidhlig tae serve a notice on an education authority makin it necessar for it tae provide information about Gaelic lairner education, Gaelic medium education or the teachin o Gaelic in its provision o faurer education. This provision is necessar for the darg that Bòrd na Gàidhlig has o reportin on compliance and an education authority maun comply wi the notice.

Gaelic education delivery plannin

71. Section 18 chynge section 3 o the 2005 Act that sets oot the requirements for Gaelic leid plans. Whaur the authority devisin the plan is an education authority, the plan maun set oot the authority's plan for the provision o Gaelic education, and the authority maun speir at interestit bodies on thon elements o the plan. The puer for the Scots Ministers tae mak regulations about the content o Gaelic leid plans is stentit tae allou for mair provision about the maitters that maun be includit. The Gaelic leid plans o education authorities will be makkit mair strang by plainer specifics as tae the delivery o Gaelic medium education and Gaelic lairner education should be luikt at as pairt o the Gaelic leid plannin process.

Duty tae uphaud ingang tae Gaelic medium education

72. Section 19 chynge section 15 o the 2016 Act tae place an education authority unner a duty tae uphaud a bairn wha bides in its area tae hae ingang tae Gaelic medium education providit in the area o anither education authority, sae faur as reasonably practicable. This applies baith whaur the hame authority daesnae provide Gaelic medium education, and whaur it daes but it's no reasonably practicable for the bairn tae hae ingang tae it access it (for example, because it's ower faur tae traivel). The ither approach wad be that the young person in sic-and-sic a location or

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situation would be able to have input to Gaelic education and this approach would allow a young person to access GME provision.

Duty to set out a catchment area for schools providing Gaelic medium education

73. Section 20 inserts a new section 15A into the 2016 Act, making it necessary for an education authority to set out a catchment area for Gaelic medium schools under its management. For any provision, this must be done within 2 years of this section coming into force. The catchment area must, but need not, be the same as for other schools, or for any English medium education at the same school. In setting out a catchment area, the education authority must take account of the need to provide reasonable travel arrangements.

74. Gaelic medium education is a minority sector within the Scots school system and one whose needs do not map directly onto that broader system. In the case of catchment areas, specific accommodation has to be made for Gaelic medium schools or units that are the only facilities of their kind within a local authority. While they are the only ones within several local authorities. Gaelic medium schools or units sometimes require catchment areas that match their specific needs. The Guidance on Gaelic education deals with this issue and there is provision in the Bill. The expectation in the Guidance is that a GME catchment 'lays over' a number of, eg, primary catchment areas, to ensure input and because the GME provision must be the only GME provision in the area or authority. The other approach would be that the GME catchment was the same as the EME catchment at the same school and this would have the potential to work against increasing GME uptake. The provisions of the Bill build upon the provisions of the 2017 Statutory Guidance.

Application of Schools (Consultation) (Scotland) Act 2010 to transport for Gaelic medium education

75. Section 21 adds a proposal to give over the arrangements for transport for pupils in Gaelic medium education to schedule 1 of the Schools (Consultation) (Scotland) Act 2010, with the effect that an education authority will have to follow the process set out in that Act for any such relevant proposal. New paragraph 7A inserted into schedule 2 gives the list of relevant consultees for such a relevant proposal, and the substitution of paragraph 11 means that Comann nam Pàrant (Nàiseanta) will also be a relevant consultee for all proposals affecting Gaelic medium education.

Assessments: power to make different provision for different areas

76. Section 22 changes the 2016 Act so that the power in section 9(7) to change the number of pupils that will trigger the requirement for a full assessment of Gaelic medium primary education provision can apply to different areas within an education authority's area.

Extension of assessments to early learning and care of pupils

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77. Section 23 changes the 2016 Act with the effect that the process set out for the assessment of Gaelic medium primary education will apply as well to early learning and care of children.

78. Primary education in Gaelic medium is provided through total immersion learning – where a child is taught wholly through the medium of Gaelic, to make sure of high-level fluency in the language. At the outset of Gaelic medium education in Scotland, this was a method adapted from the teaching of minority languages in other parts. The full phase of total immersion is meant to start during early learning and care of children – helping the child to be wholly ready for formal schooling in the relevant language. The process to now for assessing the need for Gaelic medium education within a local authority does not guarantee the provision of Gaelic early learning and care of children. This leads to shortcomings within the school system that have an unfair impact on the learning experience of pupils and the work burdens of teachers. Making sure that early learning and care of children will be thought of as part of the same provision as primary education in Gaelic will lead to a more effective system of schooling.

Duty to consult and plan on delivery of early learning and care of children

79. Section 24 changes section 50 of the Children and Young People (Scotland) Act 2014 so that it is necessary for an education authority to consult on whether it should make Gaelic medium early learning and care of children available.

Conditions of grants to the Scottish Funding and Higher Education Funding Council

80. Section 25 changes the Funding and Higher Education (Scotland) Act 2005 to insert a new section 9E. Section 9 of the Funding and Higher Education (Scotland) Act 2005 allows the Scottish Ministers to make grants to the Scottish Funding and Higher Education Council subject to such terms and conditions as the Scottish Ministers may think fit. New section 9E provides that the Scottish Ministers may impose terms and conditions for the purpose of enabling, fostering or increasing participation in fundable funding education and fundable higher education in the Gaelic language and in Gaelic culture.

Chapter 2: Other approaches

81. The Scottish Government has a strong commitment to maintain Gaelic medium education (GME) in Scottish schools. Though there were views offered on Gaelic medium education, the nature of Gaelic medium education in schools and the upholding in place, the Scottish Government does not want to make major changes to the core structure and delivery model for GME in Scottish schools. Gaelic medium education and Gaelic learner education will always be delivered by local authorities and will be an important upholding from both the Scottish Government and a range of public bodies. The Scottish Government, however, knows that Gaelic education interests and particularly parental groups are keen to see progress with Gaelic medium education and for a range of concerns to be addressed. As a result of familiarity with the sector, the Scottish Government knows that Gaelic education interests have had a focus on a number of issues such as getting Gaelic medium education, early years provision and

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immersion in primary schools, teacher recruitment and upholding, resources for Gaelic education and secondary provision. The Gaelic education sector or broader Gaelic community is regularly consulted on views on Gaelic plans, National Plans, OECD proposals, cultural strategies, community matters and a wide range of Scots Government, parliamentary, public body and local authority consultations. For by, input is provided in official meetings with Gaelic interests and in ministerial consultation exercises.

82. In the section above, the main other approaches that have been considered have been outlined. There are other provisions in the Bill that did not need the same level of assessment of other approaches. This was mainly because the other approach to be thought about would have presented a credible route to carrying out the overaw policy or delivering the manifesto commitment. This would include issues such as the promotion of GME, the adoption of GME catchment areas and upholding for travel to GME schools. As regards to these provisions, the other approach would be to not draw up GME catchment areas and to not uphold travel to GME provision. These other approaches did not receive consideration as they fell outside the overaw policy objective of upholding Scotland's heritage.

83. In view of this an approach has been taken for that brings together key changes to current Gaelic education legislation with power to make regulations to set standards. The other approach has not been considered to the delivery of Gaelic education in Scots schools, a broad range of changes were considered to respond to the messages in the consultation. This included a number of changes that have not been followed up on, such as provision for starting up stand-alone Gaelic schools or making simpler the process where parents can speak for Gaelic medium education for their children. These issues will be dealt with through the Gaelic language strategy and standards.

Chapter 2: Consultation

84. The following themes came out of the consultation responses on Gaelic medium education.

- There is a need for more funding and resources.
- Barriers that hinder the growth and promotion of GME need to be addressed.
- Access to GME needs to be improved.
- Continuous provision between early years, primary, and secondary needs to be guaranteed.
- More stand-alone GME schools are needed.
- GME teachers need more upholding.
- There must be more duties on local authorities to promote and uphold GME.
- For Gaelic learner education (GLE), there was a desire for better access to it throughout the school system and for more children in GLE to have opportunities to

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gang intae GME ayont P1. There wis a desire forby for GME and GLE tae be no as muckle o a discretionary choice for local authorities and for its provision and uphauin tae hae mair direction frae the level o Scots Ministers.

85. The system the noo, whaur GME is at the discretion o local authorities, contains gaps in provision atween different stages o schuil – early years, primary and secondary. Forby, it contains gaps in resoorces atween GME and English medium education – in terms o basic lairnin materials as weel as additional lairnin uphauin. This was a common topic in the responses o sindry parents and parent groups. Regulations devised by ministers, in consultation wi interestit pairties, were viewed as a means o makkin siccar o basic levels o GME provision that an education authority maun meet.

86. The burden o duties upon Bòrd na Gàidhlig wis forby a feature o consultation responses on the subject o GME and GLE. While respondents were braidly appreciative o Bòrd na Gàidhlig's ettles in giein guidance tae parents and local authorities on Gaelic schuil provision, mony were o the view that it wad wirk better in a monitorin role, wi Scots Ministers giein direction in the stairtin-up o GME and GLE.

87. Respondents statit their scunneration at how haird it is tae airt oot information about GME and GLE provision athin their local authorities. It wis threaped that local authorities should hae a duty tae be mair eident in advertisin the GME and GLE opportunities that were oot there. This tied in wi a desire for the authorities tae pynt oot the benefits o bilingual education. Respondents threaped forby for a duty on local authorities tae mak siccar parents frae non-Gaelic spikkin backgrounds kent about the opportunities for GME. It wis requestit as weel that local authorities should hae tae continually assess the demand athin their areas for Gaelic education.

88. A want o transport options tae GME schuils or units wis pyntit oot as a barrier for bairns either stairtin primary GME or howpin tae hauin forrit wi GME in secondary schuil. Sic transport is providit by some local authorities when their ain GME centres are a bittie awa frae a bairn's residence or when the bairn maun hae ingang tae secondary GME in anither local authority. Houaniver, it's no guaranteed. Sicweys, a mair muckle statutory obligation for local authorities tae provide this service as pairt o their GME provision wis pit forrit as ane o the barriers that had tae be owercome.

89. Hereabouts and thereabouts, the inclusion o GME in local authority catchment reviews wis named as a factor that hindert pupils' ingang tae Gaelic schuilin. Ane respondent threaped that “unnertakkin mixed GME/EME catchment reviews” wis “discriminatory” against GME on accoont o GME pupils usually anely haein a choice o ane schuil in their area. This had the consequence o hinderin potential GME families frae this educational gate.

90. The importance o Comann nam Pàrant tae the braider development o Gaelic provision wis taen tent o on accoont o its role as the specific parent council for GME. Sicweys, it wis threaped that it should hae a role as a statutory consultee unner schedule 2 o the Schuils (Consultation) (Scotland) Act 2010.

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91. Early lairnin and care o bairns wis pyntit oot as a distinct sector o GME that needit mair uphaudin. Responses frae parents and schuilteachers remarked upon the challenges faced by bairns stairtin primary GME wi nae early years experience o Gaelic. There wis a demand for early years and care o bairns provision tae form pairt o the process for braid GME provision athin the 2016 Act.

Part 2: Scots

92. As wi Gaelic, the policy objective o this Bill is tae provide mair uphaudin for the Scots leid and heeze up its status, profile and uise baith in public life and in community life. The Scots Government has aye taen tent o the fact that the Scots leid is a vital pairt o Scotland's heritage and national identity. The Scots Government has taen tent forby that the Scots leid is a vital pairt o Scotland's distinctive cultural life and has had muckle influence on oor sang, poetry and literature. Scots is vital as weel tae family and community life. In recognition o this the Scots Government devised a Scots leid policy in 2015 and has wirked closely wi education and cultural bodies tae forder this uphaudin for Scots.

93. The Scots leid, tho sib-like tae Ulster-Scots, is spikken anely athin Scotland. Sicweys, steps hae been taen athin Scotland, tae mak siccar o its uise and promotion. The 2011 Census kythed that mair than 1.5 million fowk cawed theirsels Scots spidders. The Scots Government supports as weel the application o the provisions o The Cooncil o Europe's Charter on Regional or Minority Leids.

94. The Scots provisions in this Charter include the unnertakkins that policies should be based on recognition o the regional or minority leids as an expression o cultural wealth and include forby the need for strang action tae uphaud regional and minority leids. The unnertakkins include as weel the forderin and uphaudin o the uise o Scots in speech and scribevin; in public and private life and the provision o fit forms and means for the teachin and study o Scots. The Scots Government is committit tae big upon this and tak mair steps tae uphaud Scots through the provisions o the Scots Languages Bill.

Chapter 1: Uphaudin o the Scots leid

Status o the Scots leid

95. Section 26 provides for the status o the Gaelic leid. The statement in subsection (1) that the Scots leid has official status athin Scotland is gied legal effect by the provision o the Bill conferrin wirkins on the Scots Ministers and ither bodies. This is the first time that legislation has makkit a statement aboot the status o the Scots leid. The official nature o Scots has aft been taen tent o in non-legal documents and in ministerial statements but no in legislation. Scots has been taen tent o in the Cooncil o Europe for Regional and Minority Leids and in proceedins o the British-Irish Cooncil. This step will gie a haund wi addressin the negative views that are at times attached tae Scots and the stigma and discrimination that Scots spidders aft refer tae.

Scots leid strategy

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96. Section 27 makes it necessary for the Scots Ministers to devise a Scots leid strategy. The section sets out the necessary content of the Scots leid strategy, consultation and further setting requirements and timescales for its preparation and review and revision. The Scots Government, along with a number of other public authorities, has a Scots policy with priorities for the leid. The provisions in the Bill to prepare a Scots strategy will add importance to their priorities and to the work being done by Scots bodies and other authorities to have regard for their priorities.

Report on strategy

97. Section 28 makes it necessary for the Scots Ministers to report on the strategy as soon as reasonably practicable after the end of the period of 5 years from when the strategy was further set last. This report will give additional prestige and status for the Scots leid strategy and will help with progress with the priorities set out in the strategy and where further action or upholding is necessary.

Effect of strategy

98. Section 29 makes it necessary that the Scots Ministers must take account of the strategy when making policies and making use of their powers, and that a relevant public authority must take account of it in making use of its powers. Subsection (3) sets out what makes a relevant public authority, consistent with the definition in section 10 of the 2005 Act. There are a number of Scots bodies that are active in areas such as education, further setting, media and the arts. There is further guidance support from some public authorities. The effect of the strategy will make Scottish Scots is more to the fore in Scots public and community life.

Power for Scots Ministers to give guidance

99. Section 30 gives the Scots Ministers a power to give guidance to relevant public authorities as regards to promoting and upholding the use of the Scots leid and developing and encouraging Scots culture. The Scots Ministers must specify in the guidance bodies to which it applies. Such bodies might include the likes of the Scots Language Centre, Scots House and Yaldie Books. This will make more of the provisions that are in place for Scots and give additional role and profile to a number of Scots bodies.

Chapter 1: Other approaches

100. The provisions of this Bill seek to increase the profile of Scots in a number of sectors in Scots public life. The Scots Government notes that there are some members of the speaking community that want to see a public body set up to have regard for Scots priorities. Though it is not this as another approach, but this has not been followed up on in the Bill provisions. There are a number of small Scots bodies working with upholding from the Scots Government. These bodies have a wealth of expertise and good community links and so will be well placed to uphold and take forward the provisions of this Bill. The Scots bodies further have good working relations with Scots public authorities in relation to the upholding of Scots.

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101. This network of Scots bodies and public authorities is a strong foundation for taking forward the next important steps to promote and uphold Scots. The approach taken forward takes the view that the measures included are the right steps just now and will bring about considerable improvements for Scots provision. Further, there are a number of small Scots bodies active in this area and the provisions of this Bill will make clear the role and status of these bodies.

Chapter 1: Consultation

102. The consultation exercise of 2022 explored questions further about Scots. The key themes that came out of the responses included improvement of Scots education provision and with the threat for better resources, recognition and accreditation. Better funding and legislative upholding for Scots featured further in the consultation responses, along with the promotion of Scots and that social stigmas as regards to Scots should be brought down. There was as well a wish to see and hear more Scots in the media and better visibility and resources for Scots. The need for a Scots strategy, upholding for Scots bodies and community engagement featured further in the consultation exercise.

103. In consultation, views were received about the starting up of a Scots Leid Board to promote the Scots Leid and this went together with the threat for legislation and statutory provisions to promote the leid. Some respondents thought there was a want of awareness about the work of Scots bodies that need more visibility and influence. It was thought that the Scots Languages Bill should give legal and official recognition of Scots as an official minority leid in Scotland and initiatives to give the leid more visibility should be upheld.

104. Funding featured as well in consultation responses for the purpose of developing and promoting any projects or policies about the Scots leid. Some consultation responses proposed further that the Scots Government should give funding for cultural aspects of Scots, including funding for films, broadcasting, media, and other art forms. Any promotion of Scots must make clear that it is inclusive and does not entrench negative stereotypes. There should be more opportunities for engagement within local communities to make clear of stakeholder involvement.

Chapter 2: School education

Scots leid education in schools

105. Section 31 makes it necessary for the Scots Ministers to promote and uphold Scots leid education in schools. An education authority must further promote and uphold Scots leid education in the schools under its management. This is responding to the key messages in the consultation.

Guidance on Scots leid education

106. Section 32 gives the Scots Ministers a power to give guidance to education authorities about Scots leid education in schools. The Scots Ministers must further explore of interest bodies in devising the guidance. Such bodies might include the likes of the

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Scots Language Centre, Scots House and Yaldi Books. Again, this provision is responding to key messages of the consultation.

Pouer for Ministers to set standards for Scots leid education in schuils

107. Section 33 gives the Scots Ministers pouer to make regulations to set out the standards and requirements that an education authority must conform to in making use of its resources as regards to Scots leid education in the schuils under its management. Regulations might make different provision for different aims and different areas (including different parts of an education authority's area). Regulations are subject to the negative procedure.

Reportin on Scots leid education

108. Section 34 makes it necessary for the Scots Ministers to make provision for the provision of reports (likesay from a third party provider) setting out the findings for the delivery of Scots leid education in schuils.

Interpretation of Chapter 2

109. Section 35 imports defined terms from the Education (Scotland) Act 1980 for the purposes of this Chapter.

Chapter 2: Other approaches

110. There are a number of small Scots bodies working with upholding from the Scots Government. These bodies have a wealth of educational expertise and good community links and as a result will be well placed to uphold and take forward the Scots education provisions of this Bill. The Scots bodies have good working relations with Scots public authorities as regards to upholding of Scots education.

111. This network of Scots bodies and public authorities is a strong foundation to take forward the next vital steps to promote and uphold Scots education. The approach taken forward takes the view that the measures included are the right steps just now and will result in considerable improvements for Scots education provision. Further, there are a number of small Scots bodies given Scots education upholding and the provisions of this Bill will make clear the role and status of these bodies.

Chapter 2: Consultation

112. There was support for the Scots leid to be more integrated into the education system. Some respondents wanted to see better integration and upholding of Scots leid in education and for the recognition and certification of fluent Scots speakers and upholding the retention of Scots-speaking teachers at primary and secondary levels throughout Scotland. There was support in consultation further for Scots to have more profile in Scots universities where learners can follow the study of Scots in-depth and at tertiary level.

113. There were grammar and orthography comments further and Scots bodies and authorities should think about standardising the Scots leid. The howp was put forward that

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any standardised spelling, grammar and dictionary should follow recognisable conventions and historic precedents whilst accommodating all dialects. A standard orthography of the Scots language was claimed to be necessary to help up the status of the language and improve its practicality of communication and education. The hope was expressed for that the Scots Government should set up a language planning board of experts to research, discuss and put in place an agreed standardised orthography and grammar for the Scots language.

Part 3: Final provisions

Commencement

114. Section 37 provides for Part 3 of the Bill to come into force on the day after Royal Assent.

115. All other provisions of the Bill are to come into force on a day appointed by regulations made by the Scots Ministers. Those regulations may be transitional, transitory or saving provision relating to commencement and may make different provision for different aims (including different parts of the area of an education authority). It is, for that purpose, necessary that those regulations are put before the Parliament under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010, but they are not to be subject to any Parliamentary procedure.

Effects on equal opportunities, human rights, island communities, local government, sustainable development etc.

Equal opportunities

116. The provisions of the Bill will uphold and make more real the ambition that equal opportunities should feature as a vital element of Scots public and cultural life. First of all, the provisions that this Bill will uphold and put in place are open to all and there will be no bodies or communities that are excluded. This is true just now of the main elements of Gaelic and Scots provision, education, arts, media, Gaelic learning and this will hold for the future. At the same time equal opportunities in Scotland will be an emphasis of this Bill as it will be making provision for spikier communities in Scotland that at times in the past have been marginalised and provision has been wanting for those communities.

Human rights

117. Upholding of human rights covers a number of areas of social and political concerns. Strong upholding of human rights can be found in the statements of institutions such as the UN, the Council of Europe and for that in the statements of national parliaments. The right to learn and express oneself in a language of preference is

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features in areas o ongauns includit in a list o human richts. As sic, this Bill will inpit tae takkin tent o leid and cultural richts and at the same time the provisions o this Bill willnae meddle wi or deny the human richts o ither citizens. This Bill is consistent wi and uphauks the UN Convention o the Richts o the Bairn and wi the requirements o the ECHR.

Island communities

118. This Bill will forby gie vital uphauks tae island communities. The Bill will aim tae stairt up areas o muckle linguistic mense for Gaelic whaur, amang ither areas, it is taen tent o that there are island areas wi muckle Gaelic spikkin communities. In the same wey, the Scots provisions o this Bill will inpit tae uphauks o the leid whaur it is tae the fore in island communities.

Local government

119. A nummer o local authorities hae important provision in place for Gaelic, decisions on this provision are taen locally and there is forby a meisure o uphauks frae the Scots Government and frae public authorities for this provision. This Bill will tak forrit provisions that will gie structure and uphauks for the leid provision that local authorities hae in place. The provisions o this Bill place importance on local government and local decision makkin tae uphauk the Gaelic and Scots leids.

Sustainable development

120. Gaelic and Scots bodies are committit tae meisures that promote economic development and dae sae in a wey that taks tent o resoources and the environment. Gaelic brings a range o benefits tae areas o low population and seeks tae uphauk communities in thir areas.

International opinions

121. Anither relevant concern is the question o how a country deals wi hamelt leid minorities that it's responsible for. A nummer o sic leids are locatit athin the British Isles and thir leid communities are aye in contact and luikin at comparative provision. This Bill will demonstrate tae ither minority leid communities that the Scots Ministers are takkin vital steps tae promote and uphauk Gaelic and Scots athin Scotland.

Croun consent

122. It is the Scots Government's view that the Bill as introduced needsna Croun consent. Croun consent is needit, and maun be signified durin a Bill's passage, whaur the Bill impacts the Royal prerogative, the hereditary revenues o the Croun or the personal property or interests o the Sovereign, the Prince and Steward o Scotland or the Duke o Cornwall. The Scots Government's view is that this Bill daes nane o thir things.

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123. For the source of the necessity for Crown consent, see paragraph 7 of schedule 3 of the Scotland Act 1998, and rule 9.11 of the Parliament's Standing Orders. For more information about the considerations that go into deciding if Crown consent is necessary for a Bill see Erskine May, the guide to procedure in the UK Parliament.

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Scots Languages Bill

Policy Memorandum

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