

# Scottish Languages Bill

[AS INTRODUCED]

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**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:  
Explanatory Notes (SP Bill 39-EN), a Financial Memorandum (SP Bill 39-FM), a Policy  
Memorandum (SP Bill 39-PM), a Delegated Powers Memorandum (SP Bill 39-DPM) and  
statements on legislative competence (SP Bill 39-LC).**

# Scottish Languages Bill

## [AS INTRODUCED]

An Act of the Scottish Parliament to make provision about support for the Gaelic and Scots languages; to make provision about education in relation to Gaelic and Scots; and for connected purposes.

### PART 1

#### Gaelic

#### CHAPTER 1

##### SUPPORT FOR THE GAELIC LANGUAGE

##### *Status of the Gaelic language*

#### 1 Status of the Gaelic language

- 10 (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.  
(2) Before section 1 and the italic heading immediately preceding it insert—

*“Status of the Gaelic language*

##### A1 Status of the Gaelic language

- 15 (1) The Gaelic language has official status within Scotland.  
(2) Subsection (1) is given legal effect by—  
(a) the provisions in this Act conferring functions on Bòrd na Gàidhlig, the Scottish Ministers and other persons in relation to promoting, facilitating and supporting the use of the Gaelic language,  
(b) enactments relating to Gaelic education.  
20 (3) Subsection (1) does not affect—  
(a) the operation of any other enactment or rule of law,  
(b) the status of any other language.  
(4) In this section “enactment” has the meaning given in schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010.”.

*Bòrd na Gàidhlig*

**2 Functions of Bòrd na Gàidhlig**

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) In section 1 (constitution and functions of Bòrd na Gàidhlig)—
- 5 (a) in subsection (2)—
- (i) after paragraph (a) insert—
- “(aa) monitoring, and reporting to the Scottish Ministers on, compliance by relevant public authorities with their duties under this Act,
- (ab) advising and assisting (either on request or when it thinks fit) any
- 10 person on matters relating to the development of the Gaelic language, Gaelic education and Gaelic culture in a particular area.”,
- (ii) paragraph (d) is repealed,
- (b) in subsection (3)—
- (i) for “securing the status of the Gaelic language as an official language of Scotland commanding” substitute “ensuring that the Gaelic language is treated with”,
- 15 (ii) before paragraph (a) insert—
- “(za) encouraging and supporting the use and understanding of the Gaelic language, with a particular focus on areas of linguistic significance.”,
- 20 (iii) paragraph (b) is repealed,
- (c) after subsection (3) insert—
- “(3A) The Bòrd must, on the request of a relevant public authority, provide the authority free of charge with assistance in relation to the application of this Act to the authority.
- 25 (3B) In giving assistance under subsection (3A), the Bòrd must seek to give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the Gaelic and English languages should be accorded equal respect.”.
- (3) In schedule 1 paragraph 11(2) (general powers), for “8(9)” substitute “1(3A)”.

30 **3 Bòrd na Gàidhlig corporate plan**

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) In schedule 1 (Bòrd na Gàidhlig), after paragraph 7 insert—
- “Corporate plan*
- 7A(1) The Bòrd must submit a corporate plan to the Scottish Ministers.
- 35 (2) The corporate plan—
- (a) must set out—
- (i) the main objectives of the Bòrd in exercising its functions under this Act,

- (ii) the outcomes by reference to which the achievement of those objectives will be assessed,
- (iii) a general description of the main activities which the Bòrd plans to undertake,
- 5 (iv) a general description of how those objectives and activities will contribute to the delivery of the Gaelic language strategy prepared under section 2A,
- (b) may include such other material as the Bòrd considers appropriate.
- (3) The Scottish Ministers may—
- 10 (a) approve the corporate plan,
- (b) approve the corporate plan with any modifications they consider appropriate, or
- (c) reject the corporate plan.
- (4) Where the Scottish Ministers intend to approve the corporate plan with modifications, they must consult the Bòrd before doing so.
- 15 (5) Where the Scottish Ministers reject the corporate plan, the Bòrd must, as soon as reasonably practicable, modify the corporate plan and resubmit it to the Scottish Ministers.
- (6) As soon as reasonably practicable after it is approved by the Scottish Ministers—
- 20 (a) the Bòrd must publish the corporate plan, and
- (b) the Scottish Ministers must lay a copy of the corporate plan before the Scottish Parliament.
- (7) The Bòrd—
- 25 (a) may revise the corporate plan at any time, and
- (b) must revise the corporate plan when required to do so by the Scottish Ministers.
- (8) Sub-paragraphs (1) to (7) apply to a revised corporate plan, and to a modified corporate plan submitted under sub-paragraph (5), as they apply to the first corporate plan.”.
- 30

*Areas of linguistic significance*

**4 Areas of linguistic significance**

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) After section 1 insert—

*“Areas of linguistic significance*

**1A Meaning of “area of linguistic significance”**

- (1) An area may be designated as an area of linguistic significance under section 1B if—
- (a) the area contains a significant number of people with Gaelic language skills, or
  - (b) the area does not contain a significant number of people with Gaelic language skills but—
    - (i) the area is historically connected with the use of Gaelic,
    - (ii) the area is one in which teaching and learning by means of the Gaelic language is provided, or
    - (iii) the area is one in which significant activity relating to the Gaelic language or Gaelic culture takes place.
- (2) For the purpose of subsection (1), an area contains a significant number of people with Gaelic language skills if at least 20% of the area’s population has Gaelic language skills.

**1B Designation by local authority of an area as an area of linguistic significance**

- (1) A local authority may designate all or part of its area as an area of linguistic significance if it considers that the area falls within the description of an area of linguistic significance set out in section 1A(1).
- (2) Before making a designation, the local authority must—
- (a) consult the Bòrd and such other persons as the local authority considers appropriate about the proposed designation,
  - (b) take reasonable steps to publicise the proposed designation and its reasons for making it, and
  - (c) submit the proposed designation to the Scottish Ministers.
- (3) The Scottish Ministers may—
- (a) approve the proposed designation,
  - (b) approve the proposed designation with any modifications they consider appropriate, or
  - (c) reject the proposed designation.
- (4) Where the Scottish Ministers intend to approve the proposed designation with modifications, they must consult the local authority before doing so.
- (5) A designation must—
- (a) identify the area to be designated as an area of linguistic significance, and
  - (b) specify the date on which the designation takes effect.
- (6) A designation may be varied or revoked by the local authority at any time.



- (7) Before varying or revoking a designation in relation to any part of its area, the local authority must—
- (a) consult the Bòrd and such other persons as the local authority considers appropriate about the proposed variation or revocation,
  - (b) take reasonable steps to publicise the proposed variation or revocation and its reasons for making it, and
  - (c) submit the proposed variation or revocation to the Scottish Ministers.
- (8) The Scottish Ministers may—
- (a) approve the proposed variation or revocation,
  - (b) approve the proposed variation or revocation with any modifications they consider appropriate, or
  - (c) reject the proposed variation or revocation.
- (9) Where the Scottish Ministers intend to approve the proposed variation or revocation with modifications, they must consult the local authority before doing so.
- (10) A local authority must take reasonable steps to publicise—
- (a) the making of a designation and its effect,
  - (b) any variation or revocation of a designation and its effect.
- (11) The Scottish Ministers may give guidance to local authorities relating to their functions under this section.
- (12) A local authority must have regard to any guidance given by the Scottish Ministers under subsection (11).
- (13) In this section “local authority” has the meaning given in schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010.”.
- (3) In section 3 (Gaelic language plans)—
- (a) in subsection (4), after paragraph (a) insert—
    - “(aa) where the relevant public authority exercises functions in an area that has been designated under section 1B as an area of linguistic significance, set out the measures in relation to the use of the Gaelic language to be taken by the authority in connection with the exercise of its functions in that area,”,
  - (b) in subsection (8), from “may” to the end substitute “may in particular—
    - (a) make further provision about the required content of Gaelic language plans in respect of areas that have been designated under section 1B as areas of linguistic significance.”.

### *Gaelic language strategy and standards*

## **5 Gaelic language strategy**

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.

(2) In the italic heading immediately preceding section 2, for “*National Gaelic language plan*” substitute “*Gaelic language strategy and standards*”.

(3) After section 2 insert—

**“2A Gaelic language strategy**

(1) The Scottish Ministers must prepare a Gaelic language strategy.

(2) The Gaelic language strategy—

(a) must set out the Scottish Ministers’ objectives in relation to promoting, facilitating and supporting the use of the Gaelic language,

(b) must set out the Scottish Ministers’ plans for meeting those objectives, including priorities for action,

(c) must set out arrangements for monitoring progress towards meeting the objectives,

(d) may set out any other matters relating to promoting, facilitating and supporting the use of the Gaelic language which the Scottish Ministers consider should be included.

(3) In preparing the Gaelic language strategy, the Scottish Ministers must publish a draft strategy and consult such persons as they consider appropriate.

(4) The Scottish Ministers must—

(a) publish the Gaelic language strategy in such manner as they consider appropriate, and

(b) lay a copy of the strategy before the Scottish Parliament.

(5) Subsection (4) must be complied with before the end of the period of 15 months beginning with the day on which section 5(3) of the Scottish Languages Act 2024 comes into force.

(6) The Scottish Ministers—

(a) must keep the Gaelic language strategy under review,

(b) may revise it as they consider appropriate, and

(c) must revise it within the period of five years beginning with the day on which the strategy was last published.

(7) Subsections (2) to (4) and (6) apply in relation to any revised Gaelic language strategy as they apply in relation to the first Gaelic language strategy.

**2B Effect of Gaelic language strategy**

(1) The Scottish Ministers must have regard to the Gaelic language strategy in—

(a) making policies (including proposals for legislation), and

(b) exercising their functions.

(2) A relevant public authority must have regard to the Gaelic language strategy in exercising its functions.”.

(4) Section 2 is repealed.

## 6 Gaelic language standards

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) After section 2B (as inserted by section 5(3)) insert—

### “2C Power for Scottish Ministers to set standards

- (1) The Scottish Ministers may by regulations specify standards and requirements relating to promoting, facilitating and supporting the use of the Gaelic language which are to apply to relevant public authorities in exercising their functions.
- (2) Regulations under subsection (1) may in particular—
  - (a) include provision about how the functions of relevant public authorities are to be exercised in areas designated under section 1B as areas of linguistic significance,
  - (b) otherwise make different provision for different areas (including different parts of the area in which a relevant public authority exercises its functions),
  - (c) make different provision for different purposes.
- (3) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult—
  - (a) the Bòrd,
  - (b) local authorities, and
  - (c) such other persons as the Scottish Ministers consider appropriate.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.
- (5) In this section “local authority” has the meaning given in schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010.”.

### *Functions of relevant public authorities*

## 7 Functions of relevant public authorities

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) After section 2C (as inserted by section 6(2)) insert—

### *Functions of relevant public authorities*

### 2D Duties of relevant public authorities relating to Gaelic language and culture

In exercising its functions, a relevant public authority must have regard to the desirability of—

- (a) promoting, facilitating and supporting the use of the Gaelic language,
- (b) developing and encouraging Gaelic culture.

### 2E Power for Scottish Ministers to give guidance

- (1) The Scottish Ministers may give guidance to relevant public authorities relating to their duties under section 2D.

- (2) In preparing guidance under subsection (1), the Scottish Ministers must consult—
- (a) the Bòrd, and
  - (b) such other persons as the Scottish Ministers consider appropriate.
- (3) A relevant public authority must have regard to any guidance given by the Scottish Ministers under subsection (1).
- (4) The Scottish Ministers must publish any guidance given under this section.

**2F Power for Scottish Ministers to give directions**

- (1) The Scottish Ministers may, after consulting with a relevant public authority, give a direction to that authority relating to its duties under section 2D.
- (2) The Scottish Ministers—
- (a) may vary or revoke, and
  - (b) must publish,
- a direction given under this section.
- (3) A relevant public authority must comply with a direction given to it under this section.”.

*Reporting*

**8 Reporting on Gaelic language strategy, standards and duties**

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) After section 2F (as inserted by section 7(2)) insert—

*“Reporting*

**2G Reporting on Gaelic language strategy**

- (1) The Bòrd must prepare and publish reports about the Scottish Ministers’ progress towards meeting the objectives set out in the Gaelic language strategy published under section 2A.
- (2) The Bòrd must lay a copy of any report prepared under subsection (1) before the Scottish Parliament.

**2H Reporting on compliance by public authorities with standards and duties**

- (1) The Bòrd must prepare and publish reports about compliance by relevant public authorities with—
- (a) the duty imposed by section 2B(2),
  - (b) the standards and requirements specified in regulations made under section 2C(1),
  - (c) the duties imposed by section 2D.
- (2) Reports under subsection (1) may (as the Bòrd thinks fit) concern compliance by relevant public authorities generally or by a particular authority.

- (3) The Bòrd must lay a copy of any report prepared under subsection (1) before the Scottish Parliament.”.

*Gaelic language plans*

**9 Gaelic language plans**

- 5 (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) In section 3 (Gaelic language plans)—
- (a) in subsection (3)—
- (i) for paragraph (a) substitute—
- 10 “(a) any national Gaelic language plan published under section 2 which is for the time being in effect,”,
- (ii) after paragraph (a) insert—
- “(aa) the most recent Gaelic language strategy published under section 2A,”,
- (b) in subsection (5)—
- (i) for paragraph (a) substitute—
- 15 “(a) any national Gaelic language plan published under section 2 which is for the time being in effect,”,
- (ii) after paragraph (a) insert—
- “(aa) the most recent Gaelic language strategy published under section 2A,”,
- (iii) in paragraph (e), the words “or the Bòrd” are repealed,
- 20 (c) in subsection (6), for “consult persons appearing to it to have an interest” substitute “consult—
- “ (a) people with Gaelic language skills in relation to whom the authority exercises functions,
- (b) persons with an interest in the promotion of the Gaelic language, and
- 25 (c) such other persons as the authority considers appropriate.”.
- (3) In section 4 (review of, and appeal against, notices)—
- (a) in subsection (1), for “28 days” substitute “4 weeks”,
- (b) in subsection (3), for “28 days” substitute “6 weeks”,
- (c) in subsection (5), for “28 days” substitute “4 weeks”,
- 30 (d) in subsection (6), for “2 months” substitute “3 months”,
- (e) in subsection (8), for “28 days” substitute “4 weeks”.
- (4) In section 5 (approval of plans)—
- (a) in subsection (1), after “must” insert “, within the period of 3 months beginning with the date on which the plan is submitted”,
- 35 (b) after subsection (1), insert—

“(1A) A relevant public authority must provide the Bòrd with any additional information that the Bòrd requests following the submission of the authority’s Gaelic language plan.”,

(c) in subsection (2)—

(i) the “and” immediately following paragraph (a) is repealed,

(ii) after paragraph (a) insert—

“(aa) any additional information provided by the relevant public authority under subsection (1A), and”,

(d) in subsection (3), for “one month” substitute “3 months”,

(e) in subsection (5), for paragraph (c) substitute—

“(c) refer the matter to the Scottish Ministers if the Bòrd has not approved the plan under paragraph (a) or (b) by the later of—

(i) the expiry of the period of 2 months beginning with the date on which the authority gave notice to the Bòrd under subsection (3)(a), and

(ii) the date on which the Bòrd considers that it will not be able to approve the plan under paragraph (a) or (b).”,

(f) after subsection (5) insert—

“(5A) If an authority fails to take any action under subsection (3), the Bòrd may—

(a) approve the plan as originally submitted to the Bòrd, or

(b) refer the matter to the Scottish Ministers.”,

(g) in subsection (6), after “(5)(c)” insert “or (5A)(b)”,

(h) in subsection (8), after “(5)(c)” insert “or (5A)(b), as the case may be”.

(5) In section 6 (monitoring of implementation)—

(a) in subsection (2), for “Bòrd may require the authority to submit to it, by a date no earlier than 3 months after the date of the requirement,” substitute “authority must, before the expiry of the period of 15 months beginning with the date of the approval mentioned in subsection (1)(a), submit to the Bòrd”,

(b) after subsection (2) insert—

“(2A) The authority must, before the expiry of each subsequent period of 12 months beginning with the date on which it submitted its most recent report to the Bòrd, submit to the Bòrd a further report on the extent to which the authority has implemented the measures set out in the plan.

(2B) The Bòrd may publish, in such manner as it thinks fit, a report submitted to it under subsection (2) or (2A).”,

(c) subsection (3) is repealed,

(d) in subsection (4)—

(i) the words from “it” to the end become paragraph (a),

(ii) in paragraph (a), for “may” substitute “must publish and”,

(iii) after paragraph (a) insert “, and

(b) it may lay a copy of that report before the Scottish Parliament.”,

(e) in subsection (5)(a), after “Parliament” insert “(but must do so if the Bòrd has not already done so under subsection (4)(b))”.

5 (6) After section 7 insert—

**“7A Guidance and directions by Scottish Ministers**

(1) The Scottish Ministers may give guidance to relevant public authorities relating to Gaelic language plans.

10 (2) A relevant public authority must have regard to any guidance given by the Scottish Ministers under subsection (1).

(3) Where an authority is required to prepare a Gaelic language plan under this Act, the Scottish Ministers may give a direction to that authority relating to the application of the standards and requirements specified in regulations made under section 2C(1) to the preparation of the plan.

15 (4) The Scottish Ministers may vary or revoke a direction given under subsection (3).

(5) A relevant public authority must comply with a direction given to it under subsection (3).”.

(7) Section 8 (guidance, assistance, etc. by the Bòrd) is repealed.

20 *Land rights and responsibilities statement*

**10 Land rights and responsibilities statement: regard to be had to supporting Gaelic**

(1) The Land Reform (Scotland) Act 2016 is modified as follows.

(2) In section 1 (land rights and responsibilities statement), in subsection (3), after paragraph (e) insert—

25 “(ea) promoting, facilitating and supporting the Gaelic language,”.

**CHAPTER 2**

**EDUCATION**

*Functions of Scottish Ministers*

**11 Duty of Scottish Ministers to promote Gaelic education**

30 (1) The Education (Scotland) Act 2016 is modified as follows.

(2) The title of Part 2 becomes “Gaelic education”.

(3) Before section 7 and the italic heading immediately preceding it insert—

*“Functions of Scottish Ministers*

**6A Duty of Scottish Ministers to promote Gaelic education**

The Scottish Ministers must promote, facilitate and support—

- (a) the provision in schools of—
  - (i) Gaelic learner education,
  - (ii) Gaelic medium education, and
- (b) the teaching of the Gaelic language in the provision of further education by education authorities.”.

- (4) In section 18(2) (interpretation of Part 2), in the definition of “Gaelic language”, for “spoken” substitute “used”.

**12 Power for Scottish Ministers to set standards relating to Gaelic education**

- (1) The Education (Scotland) Act 2016 is modified in accordance with subsections (2) and (3).
- (2) After section 6A (as inserted by section 11(3)) insert—

**“6B Standards relating to Gaelic education**

- (1) The Scottish Ministers may by regulations specify the standards and requirements to which an education authority must conform in discharging its functions—

- (a) relating to Gaelic learner education and Gaelic medium education in its provision of school education, and
- (b) relating to the teaching of the Gaelic language in its provision of further education.

- (2) Regulations under subsection (1) may make different provision for different purposes and different areas (including different parts of the area of an education authority).

- (3) In preparing regulations under subsection (1), the Scottish Ministers must consult—

- (a) Bòrd na Gàidhlig,
- (b) education authorities,
- (c) the body known as Comann nam Pàrant (Nàiseanta),
- (d) His Majesty’s inspectors of schools (that is to say, the inspectors of schools appointed by His Majesty under the 1980 Act),
- (e) persons with an interest in the promotion of the Gaelic language and Gaelic culture,
- (f) persons with an interest in the publication of books and other resources in the Gaelic language, and
- (g) such other persons as they consider appropriate.”.

- (3) In section 18 (interpretation of Part 2), in subsection (1), after “education authority” insert—



““further education,””.

(4) The Gaelic Language (Scotland) Act 2005 is modified in accordance with subsection (5).

(5) In section 7A (as inserted by section 9(6)), after subsection (5) insert—

“(6) Where the authority required to prepare a Gaelic language plan under this Act is an education authority, the Scottish Ministers may give a direction to that authority relating to the application of the standards and requirements specified in regulations made under section 6B of the Education (Scotland) Act 2016 to the preparation of the plan.

(7) The Scottish Ministers may vary or revoke a direction given under subsection (6).

(8) An education authority must comply with a direction given to it under subsection (6).”.

### 13 Guidance to public authorities relating to Gaelic education

(1) The Education (Scotland) Act 2016 is modified in accordance with subsections (2) to (6).

(2) After section 6B (as inserted by section 12(2)) insert—

#### “6C Guidance to public authorities relating to Gaelic education

(1) The Scottish Ministers may give guidance to Scottish public authorities relating to—

(a) Gaelic learner education and Gaelic medium education,

(b) the teaching of the Gaelic language in the provision of further education by education authorities,

(c) the development of education mentioned in paragraphs (a) and (b).

(2) A Scottish public authority having functions relating to education must, to the extent that guidance under subsection (1) relates to those functions, have regard to any guidance given by the Scottish Ministers under subsection (1).

(3) In preparing guidance under subsection (1), the Scottish Ministers must consult—

(a) Bòrd na Gàidhlig,

(b) education authorities,

(c) the body known as Comann nam Pàrant (Nàiseanta), and

(d) such other persons as the Scottish Ministers consider appropriate.

(4) The Scottish Ministers must publish any guidance given under subsection (1).”.

(3) In section 8(5)(a) (GMPE assessment areas), for “9 of the Gaelic Language (Scotland) Act 2005” substitute “6C”.

(4) In section 12(6)(b) (full assessments), for “9 of the Gaelic Language (Scotland) Act 2005” substitute “6C”.

- (5) In section 15(6)(c) (duty to promote and support Gaelic medium education and learning), for “9 of the Gaelic Language (Scotland) Act 2005” substitute “6C”.
- (6) Section 16 is repealed.
- (7) The Gaelic Language (Scotland) Act 2005 is modified in accordance with subsection (8).
- (8) Section 9 and the italic heading immediately preceding it are repealed.

#### **14 Directions to education authorities relating to Gaelic education**

- (1) The Education (Scotland) Act 2016 is modified as follows.
- (2) After section 6C (as inserted by section 13(2)) insert—

##### **“6D Directions to education authorities relating to Gaelic education**

- (1) The Scottish Ministers may, after consulting with an education authority, give a direction to that authority relating to the exercise of—
- (a) its functions under this Part relating to Gaelic learner education and Gaelic medium education,
  - (b) its functions relating to the teaching of the Gaelic language in its provision of further education.
- (2) The Scottish Ministers—
- (a) may vary or revoke, and
  - (b) must publish,
- a direction given under subsection (1).
- (3) An education authority must comply with a direction given to it under subsection (1).”.

##### *General duties of education authorities relating to Gaelic education*

#### **15 General duty to provide education includes Gaelic education**

- (1) The Education (Scotland) Act 1980 is modified as follows.
- (2) In section 1 (duty of education authorities to secure provision of education)—
- (a) in subsection (5)(a), for sub-paragraph (iii) substitute—
    - “(iii) Gaelic learner education and Gaelic medium education,”,
  - (b) in subsection (5)(b)(iv), for “Gaelic in Gaelic-speaking areas” substitute “the Gaelic language”,
  - (c) after subsection (5), insert—
    - “(6) In this Act—
    - “Gaelic language” means Gaelic language as used in Scotland,
    - “Gaelic learner education” means the teaching of the Gaelic language to, and learning of the language by, pupils to whom education is provided primarily by means of the English language,

“Gaelic medium education” means teaching and learning by means of the Gaelic language.”.

- (3) In section 135(1) (interpretation), after the definition of “further education” insert—

““Gaelic language”, “Gaelic learner education” and “Gaelic medium education” have the meanings given by section 1(6) of this Act.”.

## 16 Duty to promote Gaelic education in exercising functions under the Education (Scotland) Act 1980

- (1) The Education (Scotland) Act 2016 is modified as follows.

- (2) The italic heading immediately preceding section 15 becomes “*Promotion by education authorities of Gaelic education*”.

- (3) Before section 15 insert—

### “14A Duty to promote Gaelic education in exercising functions under the Education (Scotland) Act 1980

In exercising its functions under Parts 1 and 2 of the Education (Scotland) Act 1980, an education authority must—

- (a) promote, facilitate and support—

(i) Gaelic learner education,

(ii) Gaelic medium education, and

(iii) the teaching of the Gaelic language in its provision of further education,

- (b) have regard to the needs and interests of all pupils and prospective pupils who are receiving, or who wish to receive, Gaelic learner education or Gaelic medium education.”.

## 17 Information-sharing about Gaelic education

- (1) The Education (Scotland) Act 2016 is modified as follows.

- (2) Before section 17 and the italic heading immediately preceding it insert—

*“Information about Gaelic education*

### 16A Information-sharing about Gaelic education

- (1) Bòrd na Gàidhlig may serve a notice on an education authority requiring the authority—

- (a) to provide the Bòrd with such information as the Bòrd specifies in the notice about—

(i) Gaelic learner education and Gaelic medium education in the authority’s provision of school education, or

(ii) the teaching of the Gaelic language in the authority’s provision of further education, and

- (b) to provide that information by a date specified in the notice.

- (2) An education authority must comply with a notice served on it under subsection (1).”.

*Gaelic education delivery planning*

**18 Gaelic education delivery planning**

- 5 (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) In section 3 (Gaelic language plans)—
- (a) after subsection (4) insert—
- “(4A) If the relevant public authority is an education authority, its Gaelic language plan must also set out the authority’s plan for the provision in its area of—
- 10 (a) Gaelic learner education and Gaelic medium education in the authority’s provision of school education,
- (b) opportunities to learn or use the Gaelic language in the authority’s provision of further education, and
- (c) opportunities for pupils in Gaelic medium education to use the Gaelic language in social, cultural and recreational activities.”,
- 15 (b) after subsection (6) insert—
- “(6A) If the relevant public authority is an education authority, it must also consult—
- (a) His Majesty’s inspectors of schools (that is to say, the inspectors of schools appointed by His Majesty under the 1980 Act),
- 20 (b) the body known as Comann nam Pàrant (Nàiseanta), and
- (c) other education authorities with which the authority might collaborate, on the matters to be included in its Gaelic language plan as mentioned in subsection (4A).”,
- (c) in subsection (8), after paragraph (a) (as inserted by section 4(3)(b)) insert—
- 25 “(b) make further provision about the matters which an education authority must include in its Gaelic language plan under subsection (4A),
- (c) make different provision for different—
- (i) purposes,
- (ii) types of authority,
- 30 (iii) areas (including different parts of an area in relation to which an authority exercises its functions).”,
- (d) after subsection (8) insert—
- “(9) In this section—
- (a) the following expressions have the meanings given by section 135(1) of the Education (Scotland) Act 1980—
- 35 “area”, in relation to an education authority,
- “education authority”

“further education”

“pupil”

“school education”,

(b) “Gaelic learner education” means the teaching of the Gaelic language to, and learning of the language by, pupils to whom education is provided primarily by means of the English language,

(c) “Gaelic medium education” means teaching and learning by means of the Gaelic language.”.

(3) In section 7(3) (review of plans), for “(6)” substitute “(6A)”.

10

#### *Access to Gaelic education*

### **19 Duty to support access to Gaelic medium education**

(1) The Education (Scotland) Act 2016 is modified as follows.

(2) In section 15 (duty to promote and support Gaelic medium education and learning), after subsection (6) insert—

15

“(7) Where subsection (8) applies, an education authority must, so far as reasonably practicable, support a child who is resident in its area to access Gaelic medium education provided in the area of another education authority.

(8) This subsection applies where—

20

(a) the education authority does not secure the provision in its area of Gaelic medium education appropriate for the age of the child, or

(b) the education authority does secure such provision but it is not reasonably practicable for the child to access it.”.

### **20 Duty to establish a catchment area for schools providing Gaelic medium education**

(1) The Education (Scotland) Act 2016 is modified as follows.

25

(2) After section 15 insert—

#### **“15A Duty to establish a catchment area for schools providing Gaelic medium education**

30

(1) An education authority must establish a catchment area for every school under its management at which Gaelic medium education is provided, for the purpose of admitting pupils to Gaelic medium education at the school.

(2) A catchment area established under subsection (1) may be (but need not be) the same as the catchment area or areas for any other schools.

(3) Where Gaelic medium education and education in English is provided at the same school, the catchment area established under subsection (1) may be (but need not be) the same as the catchment area in relation to the English provision.

35

(4) Subsection (1) must be complied with before the end of the period of 2 years beginning with the day on which section 20(2) of the Scottish Languages Act 2024 comes into force.

(5) In establishing a catchment area for a school under subsection (1), an education authority must take account of the need to provide reasonable travel arrangements for pupils who attend, or who wish to attend, the school.

(6) In subsection (1), “catchment area” means the area from which pupils resident there will be admitted to a school in terms of any priority based on residence in accordance with the guidelines formulated by an education authority under section 28B(1)(c) of the Education (Scotland) Act 1980.”.

**21 Transport to Gaelic medium education: application of Schools (Consultation) (Scotland) Act 2010**

(1) The Schools (Consultation) (Scotland) Act 2010 is modified as follows.

(2) In schedule 1 (relevant proposals), after paragraph 7 insert—

*“Transport to school that provides Gaelic medium education*

7A A proposal to discontinue arrangements for the provision of transport by the education authority for pupils in Gaelic medium education.”.

(3) In schedule 2 (relevant consultees)—

(a) after paragraph 7 insert—

*“Transport to school that provides Gaelic medium education*

7A In relation to a proposal specified in paragraph 7A of schedule 1, the consultees are—

- (a) the persons mentioned in paragraph 11,
- (b) the Parent Council or Combined Parent Council of any affected school,
- (c) the parents of the pupils in Gaelic medium education at any affected school,
- (d) the parents of any children expected by the education authority to be in Gaelic medium education at any affected school within two years of the date of publication of the proposal paper,
- (e) the pupils in Gaelic medium education at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
- (f) the staff (teaching and other) at the Gaelic medium education provision of any affected school,
- (g) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (f),
- (h) any other education authority that the education authority considers relevant.”.

(b) in paragraph 11, for “Bòrd na Gàidhlig is also a consultee” substitute “the following persons are also consultees—

- (a) Bòrd na Gàidhlig,
- (b) the body known as Comann nam Pàrant (Nàiseanta).”.

*Assessments: Gaelic medium primary education*

**22 Assessments: power to make different provision for different areas**

- (1) The Education (Scotland) Act 2016 is modified as follows.
- (2) In section 9 (initial assessments)—
- 5 (a) in subsection (7)(b), for “education authorities” substitute “areas of education authorities, or such parts of those areas,”,
- (b) after subsection (7) insert—
- 10 “(7A) Where the number specified in subsection (6) is to be read as a different number for different parts of a GMPE assessment area by virtue of regulations made under subsection (7)(b), the lowest number is to be read as applying to the whole of the GMPE assessment area.”.

*Early learning and childcare*

**23 Extension of assessments to early learning and childcare**

- (1) The Education (Scotland) Act 2016 is modified as follows.
- 15 (2) The italic heading immediately preceding section 7 becomes “*Assessments: primary education and early learning and childcare*”.
- (3) In section 7 (assessment requests)—
- (a) in subsection (1), at the end insert “or Gaelic medium early learning and childcare (in this Part, “GMELC”)”,
- 20 (b) in subsection (2)(b)—
- (i) after “GMPE” insert “or GMELC, as the case may be,”,
- (ii) “are” is repealed,
- (iii) at the beginning of sub-paragraph (i), insert “are”,
- (iv) at the beginning of sub-paragraph (ii), insert “are, or are likely to be,”,
- 25 (c) in subsection (3)—
- (i) after “GMPE” insert “or GMELC, as the case may be,”,
- (ii) “are” is repealed,
- (iii) at the beginning of paragraph (a), insert “are”,
- (iv) at the beginning of paragraph (b), insert “are, or are likely to be,”.
- 30 (4) In section 8 (GMPE assessment areas)—
- (a) in subsection (2), after “GMPE” insert “or GMELC, as the case may be,”,
- (b) in subsection (3), for “GMPE” substitute “relevant”,
- (c) in subsection (4)—
- (i) in the opening words, for “GMPE” substitute “relevant”,
- 35 (ii) in paragraph (a)(i), after “GMPE” insert “or GMELC, as the case may be,”,
- (iii) in paragraph (a)(ii), after “GMPE” insert “or GMELC, as the case may be,”.

- 
- (iv) in paragraph (b), for “could reasonably be met in the GMPE” substitute “or GMELC, as the case may be, could reasonably be met in the relevant”,
  - (d) in subsection (5)—
    - (i) in paragraph (b), for “in the GMPE” substitute “or GMELC, as the case may be, in the relevant”,
    - (ii) in paragraph (c), after “GMPE” insert “or GMELC, as the case may be,”.
  - (5) The title of section 8 becomes “**GMPE or GMELC assessment areas**”.
  - (6) In section 9 (initial assessments)—
    - (a) in subsection (2)—
      - (i) in the opening words, after “GMPE” insert “or GMELC, as the case may be”,
      - (ii) in paragraph (a), for “GMPE” substitute “relevant”,
    - (b) in subsection (3)—
      - (i) in the opening words of paragraph (a), for “in the GMPE” substitute “or GMELC, as the case may be, in the relevant”,
      - (ii) in paragraph (a)(i), for “GMPE” substitute “relevant”,
      - (iii) in paragraph (a)(ii), after “are” insert “, or are likely to be,”,
      - (iv) in the opening words of paragraph (b), for “in the GMPE” substitute “or GMELC, as the case may be, in the relevant”,
      - (v) in paragraph (b)(i), for “GMPE” substitute “relevant”,
      - (vi) in paragraph (b)(ii), after “are” insert “, or are likely to be,”,
    - (c) in subsection (5)—
      - (i) in the opening words, for “GMPE” substitute “relevant”,
      - (ii) in paragraph (a), after “GMPE” insert “or GMELC, as the case may be,”,
      - (iii) in paragraph (b), after “GMPE” insert “or GMELC, as the case may be,”,
    - (d) in subsection (7A) (as inserted by section 22(2)(b)), for “GMPE” in each place where it appears substitute “relevant”.
  - (7) In section 10 (duties of education authority)—
    - (a) in subsection (1)—
      - (i) in the opening words, for “GMPE” substitute “relevant”,
      - (ii) in paragraph (a), after “GMPE” insert “or GMELC, as the case may be,”,
      - (iii) in paragraph (b), after “GMPE” insert “or GMELC, as the case may be,”,
    - (b) in subsection (2)—
      - (i) in the opening words, for “GMPE” substitute “relevant”,
      - (ii) in paragraph (a), after “GMPE” insert “or GMELC, as the case may be,”,
      - (iii) in paragraph (b), after “GMPE” insert “or GMELC, as the case may be,”,
      - (iv) in paragraph (c), after “GMPE” insert “or GMELC, as the case may be,”,



- (c) in subsection (5)(d), for “GMPE” substitute “relevant”,
- (d) in subsection (6), for “is provided in the GMPE” substitute “or GMELC, as the case may be, is provided in the relevant”.

(8) In section 11 (requests that need not be considered)—

(a) in subsection (1)—

- (i) in paragraph (b), for “GMPE” substitute “relevant”,
- (ii) in paragraph (c), for “GMPE” substitute “relevant”,
- (iii) the “and” following paragraph (c) is repealed,
- (iv) after paragraph (c) insert—

“(ca) either—

- (i) both the original request and the further request are requests to assess the need for GMPE, or
- (ii) both the original request and the further request are requests to assess the need for GMELC, and”,

(b) in subsection (3)—

- (i) in paragraph (a)(ii), after “child” where it first appears insert “who is, or is likely to be,”,
- (ii) in paragraph (b), for “is being provided in the GMPE” substitute “or GMELC, as the case may be, is being provided in the relevant”.

(9) In section 12 (full assessments)—

- (a) in subsection (1)(b), for “in a GMPE” substitute “or GMELC, as the case may be, in a relevant”,
- (b) in subsection (3)(c), after “Pàrant” insert “(Nàiseanta)”,
- (c) in subsection (5), for “in the GMPE” substitute “or GMELC, as the case may be, in the relevant”,
- (d) in subsection (6)—
  - (i) in paragraph (d), after “GMPE” insert “or GMELC, as the case may be,”,
  - (ii) in paragraph (e), after “GMPE” insert “or GMELC, as the case may be,”,
  - (iii) in paragraph (f), after “GMPE” insert “or GMELC, as the case may be,”,
  - (iv) in paragraph (g)(i), for “in the GMPE” substitute “or GMELC, as the case may be, in the relevant”,
  - (v) in paragraph (g)(ii), for “GMPE assessment area could access GMPE” substitute “relevant assessment area could access GMPE or GMELC, as the case may be,”,
  - (vi) in paragraph (h), after “GMPE” insert “or GMELC, as the case may be,”,
  - (vii) in paragraph (i), for “in the GMPE” substitute “or GMELC, as the case may be, in the relevant”,
  - (viii) in paragraph (j), for “in the GMPE” substitute “or GMELC, as the case may be, in the relevant”,

(e) in subsection (7), for “in the GMPE” substitute “or GMELC, as the case may be, in the relevant”.

(10) In section 13 (procedure following full assessment)—

(a) in subsection (1), for “in a GMPE” substitute “or GMELC, as the case may be, in a relevant”,

(b) in subsection (2)—

(i) in paragraph (a), after “GMPE” insert “or GMELC, as the case may be,”,

(ii) in paragraph (c), after “GMPE” in each place where it appears insert “or GMELC, as the case may be,”,

(c) in subsection (6)—

(i) for “in the GMPE” substitute “or GMELC, as the case may be, in the relevant”,

(ii) for “such GMPE” substitute “such GMPE or GMELC, as the case may be,”,

(d) in subsection (7), for “is provided in the GMPE” substitute “or GMELC, as the case may be, is provided in the relevant”.

(11) Section 14 and the italic heading immediately preceding it are repealed.

(12) In section 18(2) (interpretation of Part 2)—

(a) after the definition of “Gaelic learner education” insert—

““Gaelic medium early learning and childcare” means Gaelic medium education which would discharge (wholly or in part) the duty under subsection (1) of section 1 of the 1980 Act to the extent it is exercisable as mentioned in subsection (1A) of that section,”

(b) after the definition of “Gaelic medium primary education” insert—

““GMELC” means Gaelic medium early learning and childcare,”

(c) the definition of “GMPE assessment area” is repealed,

(d) after the definition of “primary school” insert—

““relevant assessment area” is to be construed in accordance with section 8,”.

## **24 Duty to consult and plan on delivery of early learning and childcare**

(1) The Children and Young People (Scotland) Act 2014 is modified as follows.

(2) In section 50 (duty to consult and plan on delivery of early learning and childcare)—

(a) in subsection (1)(a), after “Part” insert “, including whether and if so how it should make Gaelic medium early learning and childcare available”,

(b) after subsection (2) insert—

“(3) In this section—

“Gaelic language” means Gaelic language as used in Scotland,

“Gaelic medium early learning and childcare” means early learning and childcare delivered by means of the Gaelic language.”.

*Further and higher education*

**25 Conditions of grants to the Scottish Further and Higher Education Funding Council**

- (1) The Further and Higher Education (Scotland) Act 2005 is modified as follows.
- (2) In section 9 (funding of the Council)—
- 5 (a) in subsection (3)(c), for “9D” substitute “9E”,
- (b) in subsection (11), for “or 9B” substitute “, 9B or 9E”,
- (c) in subsection (12)(a), for “section 9D” substitute “sections 9D and 9E”.
- (3) After section 9D insert—

**“9E Widening access to Gaelic education**

- 10 (1) The Scottish Ministers may, under section 9(2), impose terms and conditions for the purpose of enabling, encouraging or increasing participation in fundable further education and fundable higher education in the Gaelic language and in Gaelic culture.
- (2) In this section—

15 “Gaelic culture” includes the traditions, ideas, customs, heritage and identity of those who speak or understand the Gaelic language,  
“Gaelic language” means Gaelic language as used in Scotland.”

**PART 2**

SCOTS

20 **CHAPTER 1**

SUPPORT FOR THE SCOTS LANGUAGE

*Status of the Scots language*

**26 Status of the Scots language**

- (1) The Scots language has official status within Scotland.
- 25 (2) Subsection (1) is given legal effect by the provisions in this Act conferring functions on the Scottish Ministers and other persons in relation to promoting, facilitating and supporting the use of the Scots language.
- (3) Subsection (1) does not affect—
- (a) the operation of any other enactment or rule of law,
- 30 (b) the status of any other language.
- (4) In this Part “Scots language” means the Scots language as used in Scotland.

*Scots language strategy*

**27 Scots language strategy**

- (1) The Scottish Ministers must prepare a Scots language strategy.

- (2) The Scots language strategy—
- (a) must set out the Scottish Ministers’ objectives in relation to promoting, facilitating and supporting the use of the Scots language,
  - (b) must set out the Scottish Ministers’ plans for meeting those objectives,
  - (c) must set out arrangements for monitoring progress towards meeting the objectives,
  - (d) may set out any other matters relating to promoting, facilitating and supporting the use of the Scots language which the Scottish Ministers consider should be included.
- (3) In preparing the Scots language strategy, the Scottish Ministers must publish a draft strategy and consult—
- (a) persons with an interest in the promotion of the Scots language,
  - (b) persons with an interest in the publication of books and other resources in the Scots language, and
  - (c) such other persons as they consider appropriate.
- (4) The Scottish Ministers must—
- (a) publish the Scots language strategy in such manner as they consider appropriate, and
  - (b) lay a copy of the strategy before the Scottish Parliament.
- (5) Subsection (4) must be complied with before the end of the period of 12 months beginning with the day this section comes into force.
- (6) The Scottish Ministers—
- (a) must keep the Scots language strategy under review, and
  - (b) may revise it as they consider appropriate.
- (7) Subsections (2) to (4) and (6) apply in relation to any revised Scots language strategy as they apply in relation to the first Scots language strategy.

## **28 Reporting on Scots language strategy**

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, prepare a report setting out—
- (a) progress made in the reporting period in respect of the objectives and plans included in the Scots language strategy,
  - (b) steps taken in the reporting period to keep the Scots language strategy under review.
- (2) The Scottish Ministers must—
- (a) publish the report in such manner as they consider appropriate, and
  - (b) lay a copy of the report before the Scottish Parliament.
- (3) In this section “reporting period” means the period of 5 years beginning with the day on which the Scots language strategy was last published.

**29 Effect of Scots language strategy**

- (1) The Scottish Ministers must have regard to the Scots language strategy in—
- (a) making policies (including proposals for legislation), and
  - (b) exercising their functions.
- 5 (2) A relevant public authority must have regard to the Scots language strategy in exercising its functions.
- (3) In this Chapter “relevant public authority” means—
- (a) a Scottish public authority,
  - 10 (b) so far as not falling within paragraph (a), a cross-border public authority (but only in relation to functions exercisable in or as regards Scotland which do not relate to reserved matters), and
  - (c) the Scottish Parliamentary Corporate Body.

*Power for Scottish Ministers to give guidance*

**30 Power for Scottish Ministers to give guidance**

- 15 (1) The Scottish Ministers may give guidance to relevant public authorities relating to—
- (a) promoting, facilitating and supporting the use of the Scots language,
  - (b) developing and encouraging Scots culture.
- (2) In exercising its functions, a relevant public authority must have regard to any guidance given by the Scottish Ministers under subsection (1).
- 20 (3) In preparing guidance under subsection (1), the Scottish Ministers must consult—
- (a) persons with an interest in the promotion of—
    - (i) the Scots language,
    - (ii) Scots culture,
  - (b) persons with an interest in the publication of books and other resources in the Scots language, and
  - (c) such other persons as they consider appropriate.
- 25 (4) The Scottish Ministers must publish any guidance given under subsection (1).
- (5) In this section “Scots culture” includes the traditions, ideas, customs, heritage and identity of those who speak or understand the Scots language.

**CHAPTER 2**

SCHOOL EDUCATION

**31 Scots language education in schools**

- (1) The Scottish Ministers must promote, facilitate and support Scots language education in schools.

- (2) An education authority must promote, facilitate and support Scots language education in the schools under its management.
- (3) In this Chapter “Scots language education” means education consisting of teaching and learning in the use and understanding of the Scots language.

5     **32     Guidance to education authorities relating to Scots language education**

- (1) The Scottish Ministers may give guidance to education authorities relating to Scots language education in schools.
- (2) In exercising its functions relating to school education, an education authority must have regard to any guidance given by the Scottish Ministers under subsection (1).
- 10    (3) In preparing guidance under subsection (1), the Scottish Ministers must consult—
  - (a) persons with an interest in the promotion of the Scots language,
  - (b) persons with an interest in the publication of books and other resources in the Scots language, and
  - (c) such other persons as they consider appropriate.
- 15    (4) The Scottish Ministers must publish any guidance given under subsection (1).

**33     Standards relating to Scots language education**

- (1) The Scottish Ministers may by regulations specify the standards and requirements to which an education authority must conform in discharging its functions relating to Scots language education in the schools under its management.
- 20    (2) Regulations under subsection (1) may make different provision for different purposes and different areas (including different parts of the area of an education authority).
- (3) Regulations under subsection (1) are subject to the negative procedure.
- (4) In preparing regulations under subsection (1), the Scottish Ministers must consult—
  - (a) education authorities,
  - 25    (b) persons with an interest in the promotion of the Scots language,
  - (c) persons with an interest in the publication of books and other resources in the Scots language, and
  - (d) such other persons as they consider appropriate.

**34     Reporting on Scots language education**

- 30     The Scottish Ministers must secure the provision of reports setting out progress made in the delivery of Scots language education in schools.

**35     Interpretation of Chapter 2**

In this Chapter the following expressions have the meanings given by section 135(1) of the Education (Scotland) Act 1980—

- 35             “area,” in relation to an education authority,  
                   “education authority”,

“school”,  
“school education”.

### PART 3

#### FINAL PROVISIONS

5     **36     Ancillary provision**

(1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.

10     (2) Regulations under this section may—

(a) make different provision for different purposes and different areas (including different parts of the area of an education authority),

(b) modify any enactment (including this Act).

(3) Regulations under this section—

15     (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but

(b) otherwise are subject to the negative procedure.

(4) In this section and section 37 the following expressions have the meanings given by section 135(1) of the Education (Scotland) Act 1980—

20     “area,” in relation to an education authority,

“education authority”.

**37     Commencement**

(1) This Part comes into force on the day after Royal Assent.

25     (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(3) Regulations under this section may—

(a) include transitional, transitory or saving provision,

(b) make different provision for different purposes and different areas (including different parts of the area of an education authority).

30     **38     Short title**

The short title of this Act is the Scottish Languages Act 2024.

# Scottish Languages Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision about support for the Gaelic and Scots languages; to make provision about education in relation to Gaelic and Scots; and for connected purposes.

Introduced by: Jenny Gilruth  
On: 29 November 2023  
Bill type: Government Bill

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