

# Scottish Languages Bill

[AS AMENDED AT STAGE 2]

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# Scottish Languages Bill

## [AS AMENDED AT STAGE 2]

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

- 5
- 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
- 20
- (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.
  - (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- (ii) paragraph (d) is repealed,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- 20 (iii) paragraph (b) is repealed,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.
- 30 (3C) In exercising its function under subsection (2)(ab), the Bòrd must in particular provide, or procure the provision of, advice, assistance and support to any person in the preparation of a plan for the development or promotion of the Gaelic language, Gaelic education and Gaelic culture in relation to a community in a particular area.”.
- (3) In schedule 1 paragraph 11(2) (general powers), for “8(9)” substitute “1(3A)”.

**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.

- (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,
    - (iv) a general description of how those objectives and activities will contribute to the delivery of the national Gaelic language strategy prepared under section 2A,
  - (b) may include such other material as the Bòrd considers appropriate.
- (3) The Scottish Ministers may—
- (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.
- (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—
- (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—
- (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.”.

*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).
- (1A) If a local authority—
- (a) considers that all or part of its area falls within the description of an area of linguistic significance set out in section 1A(1)(a), and
  - (b) decides not to submit a proposed designation to the Scottish Ministers under subsection (2)(c) in respect of that area,
- the local authority must publicise the decision and its reasons for making it.
- (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—
- 5 (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—
- 10 (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.
- 15 (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.
- 20 (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,
- 25 (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).
- 30 (13) In this section and section 1C “local authority” has the meaning given in schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010.

### **1C Request by Bòrd for local authority to consider designation**

- (1) The Bòrd may request a local authority to consider making a designation under section 1B.
- 35 (2) The Bòrd must request a local authority to consider making a designation under section 1B if the Bòrd considers that there is evidence of demand for a designation under section 1B by persons residing in the local authority’s area.

- (3) If—
- (a) the Bòrd makes a request under this section, and
  - (b) the local authority to which the request is made decides not to submit a proposed designation to the Scottish Ministers under section 1B(2)(c),
- the local authority must publicise the decision and its reasons for making it.
- (4) The Scottish Ministers may give guidance to the Bòrd and local authorities relating to their functions under this section.
- (5) The Bòrd and local authorities must have regard to any guidance given by the Scottish Ministers under subsection (4).”.

(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 “*National Gaelic language strategy and standards*”.
- (3) After section 2 insert—

**“2A National Gaelic language strategy**

- (1) The Scottish Ministers must prepare a national Gaelic language strategy.
- (2) The national 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, including how such progress will be measured,
  - (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.

(2A) In preparing the Gaelic language strategy, the Scottish Ministers must have regard to the principle that the Gaelic and English languages should be accorded equal respect.

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

(3A) When publishing a draft strategy under subsection (3), the Scottish Ministers must also publicise the arrangements for making representations about the draft strategy.

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(4) The Scottish Ministers must—

(za) publish the results of the consultation undertaken under subsection (3),

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

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

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(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 national Gaelic language strategy under review,

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

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(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 national Gaelic language strategy as they apply in relation to the first national Gaelic language strategy.

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## **2B Effect of national Gaelic language strategy**

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

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

(b) exercising their functions.

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(2) A relevant public authority must have regard to the national 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.

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(2) After section 2B (as inserted by section 5(3)) insert—

**“2C     Duty of Scottish Ministers to set standards**

- (1) The Scottish Ministers must 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.
- 5     (2) Regulations under subsection (1) may in particular—
- (za) include provision about the following aspects of exercising functions—
- (i) the preparation of publications,
- (ii) the provision of information,
- 10     (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),
- 15     (c) make different provision for different purposes.
- (2A) Provision made by virtue of subsection (2)(a) may in particular include provision about the exercise of functions relating to—
- (a) the development of the Gaelic language,
- (b) the provision of education,
- 20     (c) community planning,
- (d) community development,
- (e) economic development.
- (3) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must—
- 25     (a) publish a draft of the standards and requirements to be specified by regulations under subsection (1), and
- (b) consult—
- (i) the Bòrd,
- 30     (ii) local authorities, and
- (iii) such other persons as the Scottish Ministers consider appropriate, on the draft standards and requirements published under paragraph (a).
- (3A) The Scottish Ministers must publish the results of the consultation undertaken under subsection (3).
- 35     (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—

- (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.

(1A) In preparing guidance under subsection (1), the Scottish Ministers must have regard to the principle that the Gaelic and English languages should be accorded equal respect.

- (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.

(2A) The Scottish Ministers must publish the results of the consultation undertaken under subsection (2).

(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 national Gaelic language strategy**

- (1) The Bòrd must prepare and publish reports about the Scottish Ministers’ progress towards meeting the objectives set out in the national 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**

- (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—
 

“(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 national Gaelic language strategy published under section 2A,”,
  - (b) in subsection (5)—
    - (i) for paragraph (a) substitute—

- 
- “(a) any national Gaelic language plan published under section 2 which is for the time being in effect,”,
- (ii) after paragraph (a) insert—
- 5 “(aa) the most recent national Gaelic language strategy published under section 2A,
- (ab) the principle that the Gaelic and English languages should be accorded equal respect,”,
- (iii) in paragraph (e), the words “or the Bòrd” are repealed,
- 10 (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
- (c) such other persons as the authority considers appropriate.”.
- 15 (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”,
- (d) in subsection (6), for “2 months” substitute “3 months”,
- 20 (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”,
- (b) after subsection (1), insert—
- 25 “(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,
- 30 (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—
- 35 “(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.”,

(da) for subsection (5) substitute—

“(5) On receipt of the report, if the Scottish Ministers accept the Bòrd’s conclusion, they must direct the authority in question to implement any or all of the measures in its Gaelic language plan by the date specified in the direction.”.

(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.

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

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



*Interpretation*

**9A Interpretation: meaning of public authority**

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) In section 10 (interpretation), in subsection (2), after paragraph (b) insert—

5 “(ba) a post-16 education body within the meaning of section 35 of the Further and Higher Education (Scotland) Act 2005,  
(bb) Scottish Rail Holdings,  
(bc) Scottish Water.”.

*Scottish Ministers’ powers relating to research etc.*

10 **9B Scottish Ministers’ powers relating to research etc.**

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) After section 7B (as inserted by section 9C(2)) insert—

“*Scottish Ministers’ powers relating to research etc.*

**7C Scottish Ministers’ powers relating to research etc.**

15 The Scottish Ministers may, for the purposes of or in connection with the exercise of their functions under this Act—

- (a) conduct research and inquiries,
- (b) collect data and publish statistics or other information,
- (c) provide training,
- 20 (d) encourage or assist other persons to do any of the things mentioned in paragraphs (a) to (c).”.

*Financial assistance for the promotion etc. of the Gaelic language*

**9C Financial assistance for the promotion etc. of the Gaelic language**

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- 25 (2) After section 7A (as inserted by section 9(6)) insert—

“*Financial assistance for the promotion etc. of the Gaelic language*

**7B Financial assistance for the promotion etc. of the Gaelic language**

- 30 (1) The Scottish Ministers may give financial assistance to any person for the purposes of promoting, facilitating and supporting the use of the Gaelic language.
- (2) In subsection (1), “financial assistance” includes grants and loans.
- (3) Financial assistance under subsection (1) may be made subject to such conditions as the Scottish Ministers think fit.”.

*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—

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

**CHAPTER 2**

EDUCATION

*Functions of Scottish Ministers*

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

- (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),

(da) the General Teaching Council for Scotland,

(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.

(4) The Scottish Ministers must publish the results of the consultation undertaken under subsection (3).”.

(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 must 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.

*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 1980 Act**

In exercising its functions under Parts 1 and 2 of the 1980 Act, 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—
- 5 (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
- 10 (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**

- (1) The Gaelic Language (Scotland) Act 2005 is modified as follows.
- (2) In section 3 (Gaelic language plans)—
- (a) after subsection (4) insert—
- 20 “(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—
- (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
- 25 (c) opportunities for pupils in Gaelic medium education to use the Gaelic language in social, cultural and recreational activities.”,
- (b) after subsection (6) insert—
- “6A) If the relevant public authority is an education authority, it must also consult—
- 30 (a) His Majesty’s inspectors of schools (that is to say, the inspectors of schools appointed by His Majesty under the Education (Scotland) Act 1980),
- (b) the body known as Comann nam Pàrant (Nàiseanta), and
- (c) other education authorities with which the authority might collaborate,
- 35 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—
- “(b) make further provision about the matters which an education authority must include in its Gaelic language plan under subsection (4A),

- 5
- (c) make different provision for different—
    - (i) purposes,
    - (ii) types of authority,
    - (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—
        - 10 “area”, in relation to an education authority,
        - “education authority”
        - “further education”
        - “pupil”
        - “school education”,
      - 15 (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)”.

#### *Access to Gaelic education*

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

- 25
- (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—
    - “(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—
      - 30 (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**

- 35
- (1) The Education (Scotland) Act 2016 is modified as follows.
  - (2) After section 15 insert—

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

- 5 (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.
- 10 (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.
- (4) In relation to a school at which Gaelic medium education is provided before the day on which section 20(2) of the Scottish Languages Act 2024 comes into force, the duty imposed by subsection (1) must be complied with before the end of the period of 2 years beginning with that day.
- 15 (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.
- 20 (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 1980 Act.”

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

- 25 (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)—
- 30 (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—
- 35 (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,
- 40 (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)—
  - (a) in subsection (7)(b), for “education authorities” substitute “areas of education authorities, or such parts of those areas,”,
  - (b) after subsection (7) insert—

“(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.”.

*All-Gaelic schools: viability of establishment*

**22A All-Gaelic schools: viability of establishment**

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

*All-Gaelic schools: viability of establishment*

**13A Duty of education authority to assess viability of establishing all-Gaelic school**

- (1) An education authority must, within the period of 9 months beginning with the day on which a request to do so is received from a relevant person—
  - (a) consider—
    - (i) its provision of Gaelic medium education (if any),
    - (ii) the demand for Gaelic medium education in its area, including projections for future demand, and

(b) complete an assessment of whether it would be viable for the education authority to establish an all-Gaelic school in the area specified in the request.

(2) In subsection (1), a “relevant person” is—

- (a) a parent of a pupil attending a school in the education authority’s area,
- (b) the body known as Comann nam Pàrant (Nàiseanta),
- (c) Bòrd na Gàidhlig.

(3) An education authority need not comply with the duty in subsection (1) if—

- (a) it has published an assessment following a previous request under subsection (1),
- (b) the further request is received within the period of 2 years beginning with the day on which that previous request was received, and
- (c) the condition mentioned in subsection (4) is satisfied.

(4) The condition referred to in subsection (3)(c) is satisfied if, assuming that an all-Gaelic school were to be established pursuant to the previous request (and regardless of the result of any assessment made under subsection (1)(b) in relation to that request), it would be reasonably practicable for pupils to whom the further request relates to access Gaelic medium education at that school.

(5) Despite subsection (3), the Scottish Ministers may, in such cases as they consider appropriate, direct an education authority to comply with the duty imposed by subsection (1) in relation to the further request.

(6) The Scottish Ministers must consult the education authority before giving a direction under subsection (5).

(7) The Scottish Ministers may give guidance to education authorities relating to their functions under this section and sections 13B and 13C.

(8) An education authority must have regard to any guidance given by the Scottish Ministers under subsection (7).

### **13B Process for assessment of viability**

(1) In making an assessment under section 13A(1)(b), an education authority must—

- (a) seek advice from—
  - (i) Bòrd na Gàidhlig,
  - (ii) His Majesty’s inspectors of schools (that is to say, the inspectors of schools appointed by His Majesty under the 1980 Act),
  - (iii) the body known as Comann nam Pàrant (Nàiseanta), and
  - (iv) other education authorities which have established all-Gaelic schools in their areas, and
- (b) publicise arrangements for receiving representations from—
  - (i) parents of pupils attending schools in the education authority’s area,

- (ii) pupils attending schools in the education authority’s area, and
- (iii) such other persons with expertise or an interest in the Gaelic language as the education authority considers appropriate.

5 (2) In making an assessment under section 13A(1)(b), an education authority must have regard to—

- (a) the matters mentioned in section 13A(1)(a),
- (b) the advice and representations mentioned in subsection (1),
- (c) any guidance given by the Scottish Ministers under section 13A(7),
- 10 (d) its latest Gaelic language plan published under section 5(9) of the Gaelic Language (Scotland) Act 2005,
- (e) its duty under section 14A,
- (f) the location of any all-Gaelic school in the authority’s area or in the area of another education authority adjacent to that area,
- (g) the extent to which—

15 (i) pupils resident in the area of an education authority adjacent to the area of the authority which is making the assessment could access an all-Gaelic school established in the area specified in the request,

20 (ii) pupils resident in the area specified in the request could access an all-Gaelic school in the area of another education authority adjacent to that area,

(h) the availability and suitability of any premises in the education authority’s area in which an all-Gaelic school could be established,

(i) the cost of establishing an all-Gaelic school, and

25 (j) the potential to assign or recruit persons to teach in an all-Gaelic school.

(3) The education authority must assess that it would be viable to establish an all-Gaelic school in the area specified in the request unless, having regard to the matters mentioned in subsection (2), it would be unreasonable to make that assessment.

30 (4) The assessment may be that it would be viable to establish an all-Gaelic school if certain circumstances occur (see section 13C(3)).

(5) The Scottish Ministers may by regulations—

(a) modify subsection (1) so as to amend, remove or add to the persons for the time being mentioned in that subsection,

35 (b) modify subsection (2) so as to amend, remove or add to the matters for the time being mentioned in that subsection.

### 13C Duties of education authority following assessment of viability

(1) An education authority must publish any assessment it makes under section 13A(1)(b), including—

- 40 (a) the result of the assessment,

- (b) the evidence it has considered in making the assessment, and
- (c) the reasons for the result.

(2) Where the result of the assessment under section 13A(1)(b) is that it would be viable for the education authority to establish an all-Gaelic school, the education authority must—

- (a) specify in that assessment (in addition to the matters mentioned in subsection (1)) the period within which the authority considers it would be reasonably practicable to establish the school, and
- (b) take such steps to establish the school as are reasonably practicable.

(3) Where the result of the assessment under section 13A(1)(b) is that it would be viable for the education authority to establish an all-Gaelic school if certain circumstances occur, the education authority must—

- (a) specify in that assessment (in addition to the matters mentioned in subsection (1))—
  - (i) the reasons for that decision,
  - (ii) what those circumstances are,
  - (iii) how those circumstances will be kept under review, and
  - (iv) the period within which the authority considers it would be reasonably practicable to establish the school after those circumstances occur,
- (b) publish the conclusions of any review of those circumstances, and
- (c) after those circumstances occur, take such steps to establish the school as are reasonably practicable.

**13D Power for Scottish Ministers to direct establishment of all-Gaelic school**

(1) Where an education authority has—

- (a) made an assessment under section 13A(1)(b) that it would be viable for the education authority to establish an all-Gaelic school, but
  - (b) failed to take a step which is required by section 13C(2)(b) or (3)(c),
- the Scottish Ministers may direct an education authority to take that step.

(2) Before making a direction under subsection (1), the Scottish Ministers must—

- (a) seek advice from—
  - (i) Bòrd na Gàidhlig,
  - (ii) His Majesty’s inspectors of schools (that is to say, the inspectors of schools appointed by His Majesty under the 1980 Act), and
- (b) consult the education authority which is to be given the direction.

(3) The Scottish Ministers may vary or revoke a direction given under this section.”.

(3) In section 18(2) (interpretation of Part 2), before the definition of “area” insert—

““all-Gaelic school” means a school in which—

- (a) all of the education provided is Gaelic medium education,
- (b) all other services related to the provision of that education are delivered in the Gaelic language as far as reasonably practicable, and
- (c) the use of any facilities which are shared with another school is separate to the use of those facilities by that other school.”.

*Early learning and childcare*

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

- (1) The Education (Scotland) Act 2016 is modified as follows.
- (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””,
  - (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,”,
  - (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,”.
- (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”,
    - (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 (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”,
    - 10 (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”,
    - 15 (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”.
- 25 (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,”,
    - 30 (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,”,
    - 35 (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.”

**25A Review of status of Sabhal Mòr Ostaig**

- (1) The Scottish Ministers must conduct a review of the status of Sabhal Mòr Ostaig.
- 20 (2) The review must in particular consider whether Sabhal Mòr Ostaig should be designated under section 44(1) of the Further and Higher Education (Scotland) Act 1992.
- (3) The review must be completed within the period of 1 year beginning with the day on which this section comes into force.
- (4) On completing the review, the Scottish Ministers must—
- 25 (a) publish a report on the review in such manner as they consider appropriate, and
- (b) lay a copy of the report before the Scottish Parliament.
- (5) In this section, “Sabhal Mòr Ostaig” means the body with that name and with the company number SC361752.

**25B Status of Sabhal Mòr Ostaig**

- 30 (1) The Scottish Ministers must encourage and facilitate the development of Sabhal Mòr Ostaig as a small specialist institution with degree-awarding powers.
- (2) In compliance of this duty, the Scottish Ministers must—
- (a) make appropriate grants to the Scottish Funding Council under section 9 or 10 of the Further and Higher Education (Scotland) Act 2005 for that purpose,
- 35 (b) take such other action as they consider appropriate.

**CHAPTER 3**

ENFORCEMENT OF DUTIES

**25C Power to enforce duties of public authorities**

- (1) The Gaelic Language (Scotland) Act 2005 is amended as follows.  
 (2) After section 9 insert—

*“Enforcement of duties*

**9A Power to enforce duties of public authorities**

- (1) If the Scottish Ministers are satisfied, either on complaint by any person interested or otherwise, that a public authority has failed to discharge any duty imposed on them by or for the purposes of this Act, the Scottish Ministers may make an order—
- (a) declaring the public authority to be in default in respect of that duty, and
  - (b) requiring the public authority before a date specified in the order to discharge that duty.
- (2) If the public authority has not discharged the duty by the date specified in the order under subsection (1)(b)—
- (a) the Scottish Ministers may make such arrangements as they see fit for the discharge of the duty, or
  - (b) the Court of Session may, on the application of the Lord Advocate, order specific performance of that duty.”.

**PART 2**

SCOTS

**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.  
 (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,
  - (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—
- 5 (a) must set out the Scottish Ministers' objectives in relation to promoting, facilitating and supporting the use of the Scots language, including the different dialects of the Scots language used in different parts of Scotland,
- (b) must set out the Scottish Ministers' plans for meeting those objectives,
- (c) must set out arrangements for monitoring progress towards meeting the objectives,
- 10 (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—
- 15 (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.
- (3A) When publishing a draft strategy under subsection (3), the Scottish Ministers must also publicise the arrangements for making representations about the draft strategy.
- 20 (3B) The Scottish Ministers must publish the results of the consultation undertaken under subsection (3).
- (4) The Scottish Ministers must—
- 25 (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—
- 30 (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**

- 35 (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.

(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,

(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

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

(a) promoting, facilitating and supporting the use of the Scots language, including the different dialects of the Scots language used in different parts of Scotland,

(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).

(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.

(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.

*Scottish Ministers’ powers relating to research etc.*

**30A Scottish Ministers’ powers relating to research etc.**

The Scottish Ministers may, for the purposes of or in connection with the exercise of their functions under this Chapter—

- (a) conduct research and inquiries,
- (b) collect data and publish statistics or other information,
- (c) provide training,
- (d) encourage or assist other persons to do any of the things mentioned in paragraphs (a) to (c).

*Financial assistance for the promotion etc. of the Scots language*

**30B Financial assistance for the promotion etc. of the Scots language**

- (1) The Scottish Ministers may give financial assistance to any person for the purposes of promoting, facilitating and supporting the use of the Scots language.
- (2) In subsection (1), “financial assistance” includes grants and loans.
- (3) Financial assistance under subsection (1) may be made subject to such conditions as the Scottish Ministers think fit.

**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.
- (2A) An education authority may discharge its functions relating to Scots language education through teaching and learning in the dialect of the Scots language most relevant to its area.
- (3) In this Chapter “Scots language education” means education consisting of teaching and learning in the use and understanding of the Scots language.

**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).

- (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.
- (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.
- (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,
  - (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**

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—

- “area,” in relation to an education authority,
- “education authority”,
- “school”,
- “school education”.

## **PART 3**

### FINAL PROVISIONS

### **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.

(2) Regulations under this section may—

- 5 (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—

- 10 (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—

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

15 **37 Commencement**

- (1) This Part comes into force on the day after Royal Assent.  
(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—  
20 (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).

**38 Short title**

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

# Scottish Languages Bill

[AS AMENDED AT STAGE 2]

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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