

SCOTTISH LANGUAGES BILL EFFECTS AND REASONS

AMENDMENTS TO BE MOVED AT STAGE 2

In section 1, page 1, line 23

after <section> insert < “official status”
means that Gaelic is an official
language of Scotland commanding
equal respect to the English language>

Effect

The term “official status” is not defined in the bill. We suggest that there should be an explanatory provision giving clarity to this expression. This amendment provides that clarity.

Reason

Section 1 of the bill inserts a new section A1 into the Gaelic Language Act 2005. Section A1(1) confers "official status" on Gaelic. However, “official status” is not defined in the bill. We suggest that there should be an explanatory provision giving clarity to this expression.

Section A1(2) and provides that new section A1(1) is given legal effect by the bill “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.”. However, this provision for giving legal effect to the official status of Gaelic seems limited to those functions of promoting, facilitating and supporting Gaelic and laws relating to Gaelic education.

We suggest that official status should be derived from the Gaelic Language (Scotland) Act 2005. This Act established a body (Bord na Gàidhlig) with functions ‘exercisable with a view to securing the status of the Gaelic language as an official language of Scotland commanding equal respect to the English language’ and regulates national and public authority-based Gaelic language plans.

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In section 3. Page 3, line 16 after <plan> insert <they must lay before Parliament a statement of their reasons for rejecting the plan and>

Effect

This amendment requires the Scottish Ministers to lay before Parliament a statement of their reasons for rejecting the Bord's corporate plan.

Reason

Under new section 7A(3)(c) Scottish Ministers are under no obligation to provide reasons for the rejection of the corporate plan – this is an omission which is rectified by this amendment.

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In section 5, page 6, line 18 add at end <(a) The Scottish Ministers must publish the results of the consultation upon the Gaelic language strategy>

Effect

This amendment requires Scottish Ministers to publish the results of the consultation upon their Gaelic language strategy.

Reason

Scottish Ministers must be under an obligation to publish the results of the consultations under the bill. This ensures transparency and allows the public to see the basis on which the policy behind the strategy has been formed.

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In section 6, page 7, line 18

add at end <(a) The Scottish
Ministers must publish the results of
the consultation upon the regulations
under subsection (1)>

Effect

This amendment requires Scottish Ministers to publish the results of the consultation upon their regulations.

Reason

Scottish Ministers must be under an obligation to publish the results of the consultations under the bill. This ensures transparency and allows the public to see the basis on which the policy behind the regulations has been formed.

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In section 7, page 8, line 4 add at end < (3) The Scottish Ministers must publish the results of the consultation upon the guidance under subsection (2)>

Effect

This amendment requires Scottish Ministers to publish the results of the consultation on the guidance under subsection (2).

Reason

Section 7(2) amends the Gaelic Language Act 2005 by inserting a new section 2E. New section 2E provides Scottish Ministers with guidance making powers to public authorities relating to their duties under this section to promote Gaelic language and develop Gaelic culture. Scottish Ministers are required to consult on the formulation of the guidance but there is no requirement to publish the results of the consultation. We consider that Scottish Ministers must also publish the results of that consultation for reasons of transparency. This amendment achieves that objective.

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In section 12, page 12, line 30

leave out subsection 3(c).

Effect

This amendment removes the requirement for Scottish Ministers to consult the body known as Comann nam Pàrant (Nàiseanta).

Reason

In preparing that guidance under new section 6C(3)(c) the bill currently requires the Scottish Ministers to 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.

The Explanatory Notes are silent about the nature of the “body known as Comann nam Pàrant (Nàiseanta)”. We suggest this section should provide more information about the legal standing of the organisation (eg a company registration number or OSCR number) given that it will be a statutory consultee in order to achieve certainty about which body is being identified in the bill. As an alternative the section could also be amended to include consultation with “groups which appear to the Scottish Ministers to represent the interests of parents of children in Gaelic-medium education.”

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In section 12, page 12, line 37

add at end <(4) The Scottish
Ministers must publish the results of
the consultation upon the regulations
under subsection (1)>

Effect

This amendment requires Scottish Ministers to publish the results of the consultation upon the regulations under new section 6B.

Reason

Section 12(2) amends the Education (Scotland) Act 2016 by inserting a new section 6B. New section 6B(1) provides Scottish Ministers with regulation making powers to set Standards relating to Gaelic education on which ministers must consult. We consider that Scottish Ministers must also publish the results of that consultation for reasons of transparency.

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In section 18 page 16, line 20

leave out new subsection (6B)(b).

Effect

This amendment removes the requirement for an education authority to consult the body known as Comann nam Pàrant (Nàiseanta) in connection with its Gaelic language plan.

Reason

Consequential amendment.

**SCOTTISH LANGUAGES BILL
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AMENDMENTS TO BE MOVED AT STAGE 2

In section 26, page 23, line 31

add at end < “official status” means
that Scots is an official language of
Scotland commanding equal respect to
the English language.>

Effect

The term “official status” is not defined in the bill. We suggest that there should be an explanatory provision giving clarity to this expression. This amendment provides that clarity.

Reason

Section 26 of the bill confers “official status” on the Scots language. However, “official status” is not defined in the bill. We suggest that there should be an explanatory provision giving clarity to this expression. Section A1(2) and provides that section 26(1) is given legal effect by the bill “conferring functions on the Scottish Ministers and other persons in relation to promoting, facilitating and supporting the use of the Scots language.”. However, this provision for giving legal effect to the official status of Scots language seems limited to those functions of promoting, facilitating and supporting Scots.

We suggest that the “official status should be defined a view to securing the status of the Scots language as an official language of Scotland commanding equal respect to the English language’.

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AMENDMENTS TO BE MOVED AT STAGE 2

In section 27, page 24, line 14 add at end <(d) The Scottish Ministers must publish the results of the consultation upon the Scots language strategy.>

Effect

This amendment requires Scottish Ministers to publish the results of the consultation upon their Scots language strategy.

Reason

Consequential amendment.