"Areas of linguistic significance

1A Meaning of "area of linguistic significance"

(1) Any local authority electoral ward, and any island not connected by bridge or causeway to an adjacent landmass, must be designated as a distinct area of linguistic significance under section 1B if at least 20% of the area's population has Gaelic language skills, having regard to the most recent census.

(2) 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~~

(a) the area is historically connected with the use of Gaelic,

(b) the area is one in which teaching and learning by means of the Gaelic language is provided, or

(c) the area is one in which significant activity relating to the Gaelic language or Gaelic culture takes place.

(3) ~~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.~~
Areas of Linguistic Significance designated under subsection (1) shall normally be no larger than one local authority electoral ward unless explicit justification for deviation from this is provided by the local authority when making the designation, having regard to:

(a) approximate equality of population between districts,

(b) natural geographical units and boundaries,

(c) perceptions of local settlement-based identity,

(d) existing administrative units, such as local authority electoral wards,

(e) the prevalence of Gaelic in different parts of the territory, and

(f) the distribution of Gaelic education provision and other Gaelic activity in the territory

(4) A local authority must 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) and may choose to do so if it considers that the area falls within the description of an area of linguistic significance set out in section 1A(2), having regard to the factors listed in subsection (3).

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(2)(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,

(c) and submit the proposed designation to the Scottish Ministers.

(3) The Scottish Ministers may—

(a) approve the proposed designation,

(a) approve the proposed designation with any modifications they consider appropriate, or 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 and section 1C "local authority" has the meaning given in schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010.

(14) When a designation of an area of linguistic significance has been made, Bòrd na Gàidhlig shall, in consultation with the local community and local Gaelic organisations, make appropriate provision for the preparation and implementation of a community Gaelic language plan for the area concerned, the purpose of which is to provide for and encourage the increased use of the Gaelic language in the family, educational, public, social, recreational and commercial life of the area concerned, in accordance with applicable standards and requirements issued under section 2C (2A), and having regard to the relevant local authority's Gaelic Language Plan.

(15) Bòrd na Gàidhlig shall, no later than 5 years after the date of publication of the plan—

(a) review the plan in consultation with the local community and local Gaelic organisations;

(b) make such amendments (if any) to the plan as it considers necessary or expedient.

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.

(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,".

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

(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.

(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,

(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.

(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,
(c) community planning,
(d) local community language plans prepared under the provisions in section 1B (14),
(e) community development,
(f) economic development.
(g) the provision of housing

(3) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministersmust—

(a) publish a draft of the standards and requirements to be specified by regulations under subsection (1), and
(b) consult—
(i) the Bòrd,
(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).

(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 theInterpretation and Legislative Reform (Scotland) Act 2010.".