

# GAELIC LANGUAGE (SCOTLAND) ACT 2005

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## EXPLANATORY NOTES

### THE ACT – SECTION BY SECTION

#### *Gaelic language plans*

#### *Section 4 – Review of, and appeal against, notices*

26. **Section 4** provides a mechanism for a relevant public authority to seek to extend the length of time given to it to prepare a plan and for appealing against a notice issued by the Bòrd.
27. Subsection (1) enables a public authority to ask the Bòrd to reconsider the date set for the submission of a Gaelic language plan under section 3. The Bòrd must either confirm the date (subsection (3)(a)) or specify a later date when the plan must be submitted (subsection (3)(b)). If the Bòrd confirms the date it initially set for the submission of a plan or sets a later date which the public authority finds unreasonable, the authority has a right of appeal to the Scottish Ministers under subsection (5). Subsection (6) requires the Scottish Ministers to determine an appeal under subsection (5) within a period of 2 months. The effect of subsection (7) is that if the Scottish Ministers uphold an appeal from a public authority under subsection (5) they must specify an alternative date by which a plan must be submitted to the Bòrd.
28. Subsection (8) enables a public authority to appeal to the Scottish Ministers against the issue of a notice under section 3. Subsection (9) requires the Scottish Ministers to determine an appeal under subsection (8) within a period of 6 months. The effect of subsection (10) is that where the Scottish Ministers uphold an appeal by a public authority against having to produce a plan, that authority does not have to submit a plan to the Bòrd and cannot be requested to do so by the Bòrd again until a period of 2 years from the date of the issuing of the first notice has passed.