

GAELIC LANGUAGE (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Gaelic language plans

Section 8 – Guidance, assistance, etc. by the Bòrd

46. This section makes provision for the Bòrd to issue guidance in relation to the development of Gaelic language plans under sections 3 to 7. Subsection (2) sets out the steps that the Bòrd must follow when preparing that guidance. These include a duty (under subsection (2)(b)) to publish and consult on draft guidance. Views on this draft guidance must be made known to the Bòrd within a period specified by the Bòrd which, under subsection (3), must be at least 3 months.
47. Subsection (4) provides for the Scottish Ministers to approve guidance submitted by the Bòrd either in the form submitted to them or with modifications which they determine to be appropriate. Alternatively, the Scottish Ministers may reject the guidance submitted and may require the Bòrd to submit revised guidance. Subsection (5) specifies that where revised guidance is submitted by the Bòrd, the Scottish Ministers must approve the guidance, or order the Bòrd to publish the guidance in such terms as the Scottish Ministers consider appropriate.
48. Subsections (7) and (8) make provision for the Bòrd to vary or revoke its guidance. Before varying its guidance the Bòrd is required to follow the same procedures which apply to the preparation of the original guidance (subsections (2) to (6)). The Bòrd must obtain the consent of the Scottish Ministers before revoking its guidance.
49. Subsection (9) provides that the Bòrd may not charge relevant public authorities for advice and assistance in relation to requirements placed on the authority by this Act.
50. Subsection (10) requires the Bòrd, when preparing its guidance or giving advice and assistance in relation to the development of Gaelic language plans, 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.