

ASSESSING AND AMENDING THE GAELIC LANGUAGE (SCOTLAND) ACT 2005

Since it came into effect 15 years ago, the Gaelic Language (Scotland) Act 2005 has been the cornerstone of Gaelic language policy in Scotland. The Act has had a significant impact in several respects, but gaps and weaknesses in the legislation have become increasingly apparent over time, and a range of practical shortcomings in relation to implementation have come to the fore. The newly re-elected SNP government campaigned on a pledge to introduce a new Scottish languages bill, and this will provide a mechanism to strengthen the legislative foundation for Gaelic policy.

The 2005 Act created a statutory language board, Bòrd na Gàidhlig, with a range of duties and powers. Arguably the most important of these is the power to order individual public authorities in Scotland to develop Gaelic language plans. The Bòrd is required to assist public authorities in developing these plans and also to monitor and enforce them. This is an uncomfortable combination of roles and perhaps for this reason many of the plans agreed have been weak or tokenistic, even plans by authorities in areas with high densities of Gaelic speakers.

One mechanism to deal with this problem might be the creation of a Language Commissioner to oversee the implementation of Gaelic plans. Such commissioners have played an important role in Wales and Ireland, among other jurisdictions. To carry out this role effectively, a Language Commissioner would require investigatory and enforcement powers that are considerably greater than those currently given to Bòrd na Gàidhlig.

Other mechanisms to strengthen the Act might include a more detailed and stringent set of requirements concerning the contents of Gaelic language plans and the creation of enforceable rights to receive Gaelic-medium education and to use Gaelic in court. Following the model of the Welsh Language (Wales) Measure 2011, an explicit legislative statement that Gaelic is an official language of Scotland would be a useful advance.

This paper will consider the range of legislative issues concerning Gaelic and place this discussion in the wider sociolinguistic and policy context.

References

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