

GAELIC LANGUAGE (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Gaelic language plans

Section 5 – Approval of plans

29. **Section 5** makes provision for the procedure to be followed for approving Gaelic language plans submitted to the Bòrd.
30. Subsection (1) provides that when a relevant public authority submits a plan to meet the requirements of a notice issued by the Bòrd under section 3, or resubmits a plan under subsection (3)(b) taking account of modifications proposed by the Bòrd, the Bòrd must approve the plan or propose modifications to the plan. Subsection (2) requires the Bòrd, when determining whether to approve or propose modifications to the plan under subsection (1), to have regard to the same matters it must have regard to when determining whether to issue a notice to a public authority requiring the preparation of a Gaelic language plan (section 3(5)(a) to (d)) and to any guidance given by the Scottish Ministers.
31. The effect of subsection (3) is that if the Bòrd proposes modifications to a plan submitted by a public authority, the authority must either notify the Bòrd within one month that it does not agree with all or any of the proposed modifications, giving reasons for any disagreement, or submit a revised plan which takes account of the proposals. The Bòrd must allow at least 3 months, but not more than 6 months, for the submission of a revised plan (subsection (4)).
32. The effect of subsection (5) is that if the Bòrd receives notification from a public authority under subsection (3)(a) that it does not agree with any or all of the modifications to its plan proposed by the Bòrd, the Bòrd must either approve the plan as originally submitted; approve the plan subject to any modifications agreed with the authority; or, if the Bòrd has not approved the plan within 2 months of the plan being referred to it, refer the matter to the Scottish Ministers.
33. The Scottish Ministers must, if a plan is referred to them under subsection (5)(c), either approve the plan as originally submitted by the public authority to the Bòrd, or approve the plan subject to any modifications they consider appropriate. Before doing so, the Scottish Ministers must take into consideration a number of factors mirroring some of those the public authority itself has considered when preparing its plan, and take account of comments from the Bòrd and the relevant authority, and others consulted by the Scottish Ministers. Subsection (8) requires the Scottish Ministers to approve a plan referred to them within a period of 6 months.
34. Subsection (9) requires a public authority to publish its Gaelic language plan in a manner approved by the Bòrd and implement the measures in it after the plan is approved.