



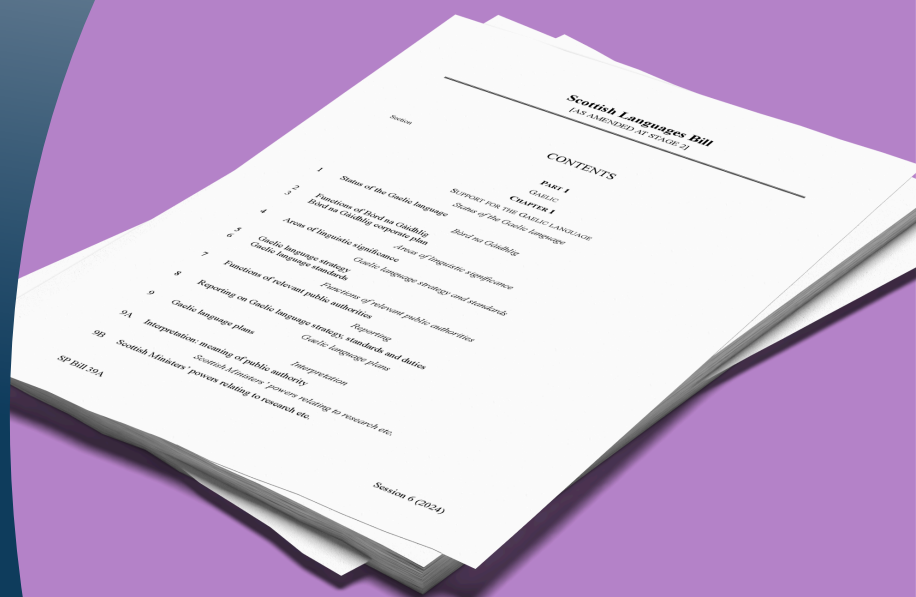
SPICe Briefing

Pàipear-ullachaidh SPICe

Scottish Languages Bill: consideration prior to Stage 3

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This briefing supports Members in their consideration of the Scottish Languages Bill at Stage 3. The briefing summarises the provisions of the Bill as introduced, some of the main debates at Stage 1, how the Bill was amended at Stage 2, and several other developments since the Bill was introduced.



Contents

Summary	3
Stage 1	5
Education, Children and Young People Committee Report	5
Stage 1 Debate	5
Stage 2	7
Stage 2 Amendments	7
Other developments	10
2022 Census	10
Scottish Budget 2025 to 2026	10
Short Life Working Group on Economic and Social Opportunities for Gaelic	11
Bibliography	13

Summary

The Scottish Languages Bill was introduced to Parliament on 29 November 2023. [A SPICe briefing on the Bill](#) was published prior to Stage 1 consideration.

The Bill is in two substantive parts covering provisions relating to Gaelic and Scots. Within those two parts are Chapters covering support for the languages and education.

Part 1 – Chapter 1 of the Bill is on support for the Gaelic Language and the provisions in the chapter include:

- Gaelic having official status in Scotland
- changes to the functions of Bòrd na Gàidhlig
- creating a power to designate geographical areas as “areas of linguistic significance”
- putting a duty on the Scottish Government to prepare a National Gaelic Strategy, which replaces the National Gaelic Plans
- giving Scottish Ministers (the Government) more powers to put duties on public bodies to promote, facilitate and support Gaelic.

Part 1 – Chapter 2 of the Bill is on Gaelic education and the provisions in the chapter include:

- requiring Scottish Ministers to promote Gaelic education
- providing Scottish Ministers with powers to set standards and produce guidance for local authorities in relation to Gaelic education
- amending the statutory definition of school education
- requiring local authorities to promote Gaelic education
- making various other changes linked to Gaelic Medium Education including a process for parents to request Gaelic Medium Early Learning and Childcare.

Part 2 – Chapter 1 is on support for the Scots language. The provisions in the chapter include:

- Scots having official status in Scotland
- requiring Scottish Ministers to create a Scots language strategy and report on any progress made
- providing that Scottish Ministers can produce guidance for public bodies in relation to promoting and supporting the Scots language and the development of Scots culture.

Part 2 – Chapter 2 is on school education in relation to Scots. This includes provisions which would:

- require Scottish Ministers to promote and support Scots language education in schools

- allow Scottish Ministers to produce guidance and set standards for local authorities relating to Scots language education in schools.

Stage 1

The lead Committee at Stage 1 of the Bill was the Education, Children and Young People Committee which [reported on 24 July 2024](#).

The [Finance and Public Administration Committee scrutinised the Financial Memorandum and corresponded with the Scottish Government and the lead Committee](#). In total, the cost of the Bill is estimated to be around £700,000 over five years. The majority of this funding is additional work for existing public servants. This would be, for example, contributing to national strategies. The Finance and Public Administration Committee queried whether the Bill's provisions would lead to other additional costs or re-profiling of budgets.

The Delegated Powers and Law Reform Committee [reported on the Bill on 23 April 2024](#).

Education, Children and Young People Committee Report

The Education, Children and Young People Committee's [Stage 1 report](#) was published on 24 July 2024. The Committee's conclusion stated:

“ The Committee notes that the aims of the Bill are to strengthen support for and the promotion of Gaelic and Scots. The Committee acknowledges the symbolic value of according the languages with official status, and the potential impact of measures in the Bill relating to education, guidance and standards. However, the Committee also notes challenges around resources for delivering these measures and uncertainty around what will be set out in guidance and standards. The Committee also shares concerns about definitions around Scots and how variations will be dealt with. The Committee supports the general principles of the Bill which are 'to provide further support for Scotland's indigenous languages, Gaelic and Scots'; however it does not consider that, on its own, the Bill will create the necessary conditions to address the challenges facing the Gaelic language or provide the necessary support and protection to both Gaelic and the languages and dialects that come under the term Scots. The Committee believes that more needs to be done by the Scottish Government beyond what is set out in the Bill, if it is to meet its aims to effectively support these languages and dialects and if the Bill is to make any meaningful difference rather than simply being symbolic. The Committee is concerned by the lack of clarity within the Bill, particularly in relation to what obligations the strategies, standards and guidance, which will be developed pursuant to the Bill, will place on public bodies, and the associated costs of meeting such obligations. Meeting such costs will be particularly challenging given competing pressures on local authority budgets at this time. The Committee expects the Scottish Government to provide the required clarity, at the latest prior to Stage 2.”

The Scottish Government [responded to the Committee on 10 September 2024](#).

Stage 1 Debate

The Stage 1 [debate took place on 17 September 2024](#).

During her opening speech in the debate, the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, Kate Forbes MSP, placed the Bill within the decades-long grassroots and policy support for Gaelic and Scots.

A theme of Members' contributions to the debate was that the Bill on its own or as introduced would not support the expected outcomes in supporting Gaelic or Scots. The Deputy First Minister said:

“ We are aware that the bill is not, in itself, the whole solution. It will sit alongside the growing package of measures and interventions operating at Government, public authority and community level. All those are needed because progress is often a combination of communities acting and authorities putting important structures in place to make things possible.”

Scottish Parliament, 2024¹

The Deputy First Minister said that the Government was minded to strengthen the provisions of the Bill through amendments at Stage 2. She highlighted the increasing community involvement in the process to designate places as Areas of Linguistic Significance and said that she was considering securing a "right to stand-alone Gaelic Medium schools" (Col 16).

Referring to Gaelic, the Deputy First Minister set out what success may look like. She said:

“ The first mark of success will be if somebody who has Gaelic fluency today can live their whole life solely in Gaelic medium in their local area. The second mark of success will be if, at the next census, we have reversed the tide of declining numbers of speakers in the Gaelic heartlands—the Western Isles, Skye and other coastal and island communities.”

Scottish Parliament, 2024¹

The Scottish Parliament agreed to the general principles of the Bill.

Stage 2

Prior to Stage 2, the Scottish Government [wrote to the lead Committee](#) again and set out its responses to some of the broader criticisms of the Bill as well as its initial intentions for lodging amendments at Stage 2. This noted that the intention of the Bill is to continue to focus on practical steps to support Gaelic both nationally and particularly in areas where Gaelic is spoken more commonly.

The Deputy First Minister said that the Government was not minded to expand the definition of Scots in the Bill to explicitly reference regional dialects or languages, but would consider this further.

The letter also identified areas where the Deputy First Minister had asked officials to develop proposals for potential amendments. These included:

- providing for community input to the designation of areas of linguistic significance
- listing the broad categories of activity that Gaelic speakers and learners can expect to see in areas of linguistic significance
- listing the broad categories that will be included in the Gaelic Standards and Strategy and which Scottish public authorities will be required to consider
- supporting and setting out the focus of the activities of Gaelic development officers
- providing that the Gaelic Strategy would include outcomes and targets
- ensuring that Bòrd na Gàidhlig and public authorities are required to assist a range of community development activities
- to extend the principle that Gaelic has equal respect with English to other sections of the Bill
- support for stand-alone Gaelic medium schools
- address concerns about using the term Scots and giving recognition to regional forms and variations.

Stage 2 Amendments

The Education, Children and Young People Committee considered 97 amendments at Stage 2 on [11 December 2024](#). The following is a summary of the consideration of some of these proposed amendments.

Ross Greer MSP lodged a number of amendments to put the principle of "equal respect with the English language" in relation to both Gaelic and Scots on the face of the Bill. This reflects the language of section 1 of the Gaelic Language (Scotland) Act 2005. All but two of these amendments were agreed to; Mr Greer did not move two amendments which would have applied this principle to the sections making Gaelic and Scots official languages of Scotland. The [Deputy First Minister argued](#) that applying the principle to the sections on official status could result in a "lack of clarity on the legal effect of the statements on official status". She said it was better that the principle be applied to specific

duties set out in the Bill.

Amendments were lodged in relation to the process of the designation of areas of linguistic significance (ALS). The Scottish Government lodged an amendment whereby if a local authority considers that all or part of its area contains a "significant number of people with Gaelic skills", but choose not to propose to designate it as an ALS, it would be required to explain the reasons for not doing so. The Government also lodged an amendment to provide Bòrd na Gàidhlig with the power to request that a local authority consider designating an area as an ALS. The Government's amendments were agreed to.

Pam Duncan-Glancy MSP lodged amendments to include community councils and "such other persons as the local authority considers to be representative of communities" as statutory consultees in the designation process. The [Deputy First Minister suggested that the Bill already allowed for consulting community councils but that there may be situations where community councils might be "inactive"](#). The Deputy First Minister said that she supported the principle however and invited Pam Duncan-Glancy MSP to work with the Government on amendments to further strengthen community engagement in this process prior to Stage 3. Pam Duncan-Glancy MSP agreed and did not press the amendments.

Two Members lodged amendments in relation to measuring progress in the support for Gaelic. Michael Marra MSP lodged an amendment that would provide for a duty on Ministers to set out statutory targets in regulations and a duty to report "on issues relating to Gaelic". Ross Greer MSP lodged amendments that would ensure that the Gaelic Strategy would include details of how progress will be measured. There was debate in the Committee as to how prescriptive the Bill should be on the targets for improving Gaelic's position in Scotland and the nature of those targets (e.g. local or national and number of speakers or wider metrics). The [Deputy First Minister committed to working with Michael Marra MSP](#) to explore a "stage 3 amendment that commits the Government to establishing targets". Michael Marra MSP did not press his amendments; Ross Greer MSP's amendments were agreed to.

Ross Greer MSP lodged an amendment to provide for a power for Scottish Ministers to make orders to enforce public authorities to fulfil any duties under the 2005 Act (as amended by the present Bill). This was agreed to.

The Scottish Government and Michael Marra MSP both lodged amendments with the intention of improving the available data. Michael Marra MSP's amendment would have created a duty on the Scottish Government to report on the number of Gaelic language speakers in Scotland every two years. There was a debate over Michael Marra MSP's amendments around the nature of the types of data that would be most usefully collected. [The Deputy First Minister said that, prior to Stage 3, she was open to explore amendments to strengthen the duties of the Government to report to Parliament](#), particularly "on progress in the areas of linguistic significance". Michael Marra MSP did not press his amendments. The Scottish Government lodged amendments to provide for powers for Ministers to conduct research and collect data on both Scots and Gaelic. These were agreed to.

Ross Greer MSP lodged amendments to support the translation of documents by Education Scotland into Scots and Gaelic. Pam Duncan-Glancy MSP lodged an amendment to create a duty on the SQA to "make arrangements for material devised by the authority for pupils in Gaelic medium education to be translated into Gaelic". The Deputy First Minister was sympathetic to the intentions behind these amendments but indicated that the drafting would need to be tightened; [she indicated the Government](#)

would likely "support amendments at stage 3 that are, essentially, [these amendments] with some minor drafting changes". On this basis, Ross Greer MSP and Pam Duncan-Glancy MSP did not press these amendments.

There were two substantial amendments in relation to local authorities' duties under the Education (Scotland) Act 2016 to consider requests for Gaelic education. The Scottish Government introduced amendments to create a process for local authorities to consider requests to establish all-Gaelic schools. The Committee agreed to this amendment.

There is currently a two-stage process in the 2016 Act for local authorities to assess the need for Gaelic medium primary education. Miles Briggs MSP lodged amendments that would streamline this process to a single stage assessment. The Deputy First Minister said that she understood "the sentiment behind the amendments" and that she would "like to give the matter further consideration, in consultation with Mr Briggs, to ensure that the drafting works in a technical sense and that it improves the position for parents, young people and all those who are involved in the delivery of GME". Miles Briggs MSP did not press the amendments.

Willie Rennie MSP and Ross Greer MSP both lodged amendments in relation to the status and independence of Sabhal Mòr Ostaig. The key difference was that Ross Greer MSP's amendment proposed that the Government review whether to make Sabhal Mòr Ostaig an independent higher education body. Willie Rennie MSP's amendment would create a duty on Ministers to "encourage and facilitate the development of Sabhal Mòr Ostaig as a small specialist institution with degree-awarding powers". The Deputy First Minister was sympathetic to the intentions of both members and said the Government supported Ross Greer MSP's amendment and, at this stage, would not oppose Willie Rennie MSP's amendment. The Committee agreed to Ross Greer MSP's amendment and, after a division where SNP Members abstained, agreed to Willie Rennie MSP's amendment as well. Although both amendments aim at broadly the same outcome, it is not clear that both could remain in the Bill. Ross Greer MSP commented that "there may be a requirement to do a little bit of reconciliation at stage 3 on the issue".

Emma Harper MSP lodged amendments to include reference to "the different dialects of the Scots language used in different parts of Scotland" in relation to: the objectives of the Scots Language Strategy; the purpose of any guidance issued to public authorities; and in relation to how local authorities promote Scots language education. These amendments were agreed to.

Other developments

Since the Bill was introduced, the results of the 2022 Census on language usage was published. In addition, the Government has published its response to the report of the Short Life Working Group on Economic and Social Opportunities for Gaelic.

2022 Census

The 2022 census data on the use of Scots and Gaelic was included in the [release covering “religion, ethnic group, language and national identity”](#). This release was published on 21 May 2024.

For both Scots and Gaelic, there has been an increase in the number of those with any skills in the language, be it reading, writing, speaking, or listening.

The proportion of people in Scotland who reported that they had any skills in Gaelic and Scots both increased between 2011 and 2022.

- Gaelic increased from 1.7% to 2.5%
- Scots increased from 37.7% to 46.2%.

In 2011, there were 1.9 million people with any skills in Scots; this had increased to 2.4 million by 2022. For Gaelic, there were 87,000 people with any Gaelic language skills in 2011, this had increased to 130,000 by 2022.

Na h-Eileanan Siar remains the local authority with the highest proportion of people who have Gaelic skills. The percentage of residents over 3 who have any Gaelic skills (i.e. any combination of understanding, speaking, reading or writing Gaelic) was 57%. In 2011, the corresponding figure was 61%.

Speaking to the Education, Children and Young People Committee the Deputy First Minister said:

“ [The 2022 Census] indicated that there has been an overall increase in Gaelic skills. That is fantastic and should be celebrated. However, for the first time, Gaelic is now spoken by less than 50 per cent of people in the Western Isles, and that should be a wake-up call in relation to how we approach supporting such communities.”

Scottish Parliament, 2024²

More details of the Census can be found in a [Blog published by SPICe in August 2024](#).

Scottish Budget 2025 to 2026

The Scottish Budget 2025-26 included an additional £5 million to support Gaelic and Scots.

The Budget document said:

“ We will demonstrate our commitment to the Scottish Languages Bill by raising investment in the sector to £30.5 million, building on the measures already in place in education, the arts and community and public life, and contributing to inclusive growth, education and enjoyment of language rights for Gaelic and Scots speakers.”

Scottish Government, 2024³

Short Life Working Group on Economic and Social Opportunities for Gaelic

In 2022, the then Cabinet Secretary for Finance and the Economy, Kate Forbes MSP, established a [Short Life Working Group on Economic and Social Opportunities for Gaelic](#) (the SLWG). The focus of this group’s work was to seek to “strengthen Gaelic by means of a focus on economic opportunities and to strengthen the economy by making the most of Gaelic opportunities”. The SLWG was commissioned under [the Scottish Government's National Strategy for Economic Transformation](#).

The SLWG noted—

“ Economic and cultural activity cannot be viewed separately. Cultural events contribute significantly to Scotland's economy as well as offering social cohesion in communities and opportunities to use Gaelic. The language is of considerable interest to visitors coming to Scotland who also contribute to the economy. In language planning terms, the desire to use Gaelic is influenced by the language's status. Economic opportunities and social activities can often inspire people to acquire, or make more use of, Gaelic skills.”

The SLWG noted the range of policy interventions but stated “the group is in no doubt that Gaelic remains in a fragile position and there must be a demonstration of urgency, across the range of bodies which can bring about positive change, to ensure the language's future.” It also said that the Scottish Government should increase its direct funding for Gaelic development “to stimulate economic growth and realise fully the social and wellbeing potential of Gaelic.”

The SLWG made recommendations under a wide range of headings, these were:

- population and infrastructure
- public sector and Gaelic plans
- communities
- education
- key sectors (including social care, creative industries, culture, heritage, tourism, sport, food & drink and the natural environment).

The SLWG had a particular, but not exclusive, focus on “Key Gaelic Communities”, which it defined as “all those in Na h-Eileanan Siar, Skye & some districts of Lochalsh, Tiree, Islay and Jura – places where, in the 2011 census, 20% or more of the population had Gaelic abilities”. The SLWG said—

“ Many of the challenges facing language use in Key Gaelic Communities are related to population attraction and retention. Without infrastructure such as adequate housing and reliable transport links, as well as digital connectivity, populations cannot be grown or retained. The viability of those communities is threatened and, with that, Gaelic as a community language.”

The [Government responded to the Short Life Working Group on Economic and Social Opportunities for Gaelic](#) on 22 November 2024. In her foreword to the response, the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, Kate Forbes MSP, said:

“ The Scottish Government proudly upholds a national approach to Gaelic with the principle that the language belongs to all. But it is clear that the Gaelic policies we and our stakeholders pursue within the communities identified by this report must now take full consideration of the social and economic aspects of language revitalisation. The insights and recommendations of the Short Life Working Group represent one of the key diagnoses of the task before us. Alongside the Scottish Languages Bill it ranks as the major policy step we are now taking for Gaelic.”

The Government accepted or partially accepted almost all of the SLWG's recommendations. The Government's responses to recommendations referenced the provisions of the Bill numerous times.

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