

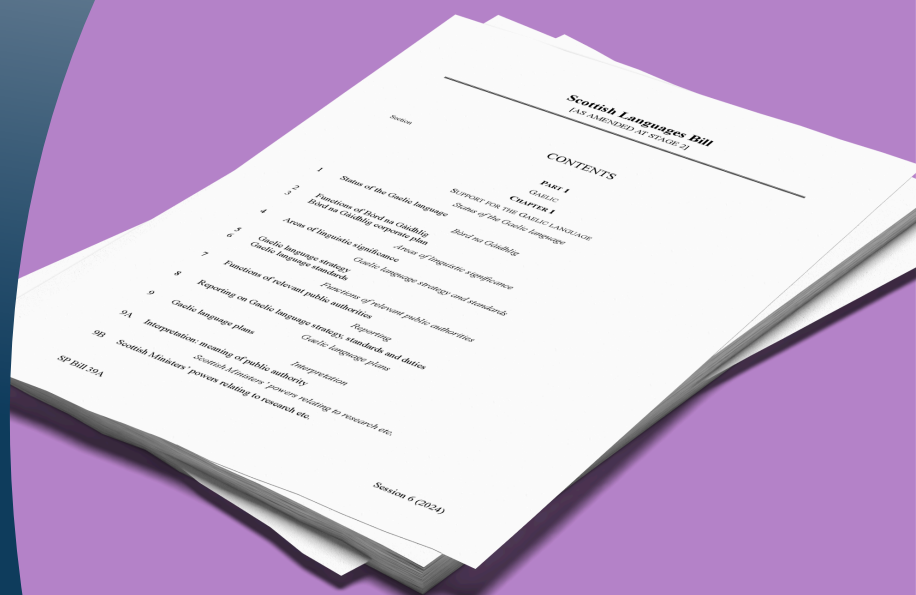


SPICe Briefing  
Pàipear-ullachaidh SPICe

# Scottish Leids Bill: consideration afore Stage 3

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This briefin supports Memmers in their consideration o the Scottish Leids Bill at Stage 3. The briefin maks cutty the provisions o the Bill as pit forrit, when o the main threaps at Stage 1, whit wey the Bill was amendit at Stage 2, and a puckle o ither ongauns syne the Bill wis pit forrit.



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# Summary

The Scottish Leids Bill wis pit forrit tae Pairlament on 29 November 2023. [A SPICe briefin on the Bill](#) wis furthset afore the Stage 1 consideration.

The Bill is in twa mensefou pairts gangin ower provisions relatin tae Gaelic and Scots. Inwith thae twa pairts are Chaapters gangin ower uphauidin fur the leids and education.

Pairt 1 – Chaipiter 1 o the Bill is on uphauidin o the Gaelic leid and the provisions in the chaipiter include:

- Gaelic haein official staunin in Scotland
- chynge tae the functions o Bòrd na Gàidhlig
- makkin a pooer tae cry geographical areas as “areas o muckle linguistic mense”
- pittin a duty on the Scottish Government tae set oot a National Gaelic Straitegy, takkin the place o the National Gaelic Plans
- giein Scottish Ministers (the Government) mair pooers tae pit duties on public bodies tae forder, forrit and uphauid Gaelic.

Pairt 1 – Chaipiter 2 o the Bill is on Gaelic education and the provisions in the chaipiter include:

- garrin Scottish Ministers forder Gaelic education
- giein Scottish Ministers the pooers tae set staunarts and pit forrit guidance fur local authorities as relates tae Gaelic education
- chyngein the statutory definition o schuil education
- garrin local authorities forder Gaelic education
- makkin sindry ither chynge connectit tae Gaelic Medium Education includin a process fur parents tae speir fur Gaelic Medium Early Learnin and Bairncare.

Pairt 2 – Chaipiter 1 is on the uphauidin o the Scots leid. The provisions in the chaipiter include:

- Scots haein official staunin in Scotland
- garrin Scottish Ministers pit thegither a Scots leid straitegy and report on ony progress makkit
- providin that Scottish Ministers can pit oot guidance fur public bodies as relates tae forderin and uphauidin the Scots leid and the development o Scots culture.

Pairt 2 – Chaipiter 2 is on schuil education as relates tae Scots. This includes provisions that wad:

- gar Scottish Ministers forder and uphauid Scots leid education in schuils

aloo Scottish Ministers tae pit oot guidance and set staunarts fur local authorities as regards tae Scots leid education in schuils.

# Stage 1

The lead Committee at Stage 1 o the Bill wis the Education, Children and Young People Committee (Education, Bairns and Young Fowk Committee) whae reportit on 24 July 2024.

The Finance and Public Administration Committee looked ower the Financial Memorandum and correspondit wi the Scottish Government and the lead Committee. Awthegither, the cost o the Bill is jaloused at bein around £700,000 ower five year. The feck o this fundin is mair wark fur existin public servants. Thon wad be, fur exemple, giein inpit tae national strategies. The Finance and Public Administration Committee speirt as tae whether the Bill's provisions wad lead tae ither eikit-on costs or re-profilin o budgets.

The Delegated Powers and Law Reform Committee (Delegatit Poers and Law Reform Committee) reportit on the Bill on 23 April 2024.

## Education, Children and Young People Committee Report

The Education, Children and Young People Committee's (Education, Bairns and Young Fowk Committee's) Stage 1 report wis furthset on 24 July 2024. The Committee's conclusion statit:

“ The Committee taks tent that the ettles o the Bill are tae mak mair strang uphaudin fur and forderin o Gaelic and Scots. The Committee kens the symbolic value o giein the leids official staunin, and whit the impact o meisurs in the Bill relatin tae education, guidance and staunarts micht be. Fur aw that, the Committee taks tent forby o trauchles around resources fur deliverin thae meisurs and doots around whit will be set oot in guidance and staunarts. The Committee shares as weel concerns about definitions around Scots and how variations will be haundet. The Committee uphauds the braid principles o the Bill which are 'tae gie mair uphaudin fur Scotland's hamelt leids, Gaelic and Scots'; hooivver it disnae consider that, on its ain, the Bill will shape the conditions necessar tae address the strauchles aheid o the Gaelic leid or gie the necessar uphaudin and bieldin tae baith Gaelic and the leids and byleids that come unner the term Scots. The Committee believes that mair needs tae be duin by the Scottish Government ayont whit is set oot in the Bill if it is tae fulfil its ettles tae gie mensefou uphaudin tae thir leids and byleids and if the Bill is tae mak ony real odds raither as bein jist symbolic. The Committee is concerned about the dootsome aspecks within the Bill, in particular regairdin whit obligations the straitegies, staunarts and guidance, that will be shaped alang wi the Bill, will pit on public bodies, and the costs that will gang wi meetin sic obligations. Meetin sic costs will be a particular trauchle gien the mony stresses on local authority budgets the noo. The Committee expects the Scottish Government tae gie the speirt-efter detail afore Stage 2 at the outside.”

The Scottish Government respondit tae the Committee on 10 September 2024.

## Stage 1 Debate

The Stage 1 debate wis haudit on 17 September 2024.

In her speech tae open the debate, the Depute First Minister and Cabinet Secretar fur Economy and Gaelic, Kate Forbes MSP, set the Bill within the decades-lang gressroots and policy uphaudin fur Gaelic and Scots.

A theme o Memmers' inpit tae the debate wis that the Bill on its ain or as pit forrit wadnae forder the jaloused-at ootcomes in uphaudin Gaelic or Scots. The Depute First Minister seyed:

“ We ken that the bill isnae, in itsel, the hale solution. It will sit alangside the growin package o meisurs and inpits in place at Government, public authority and community level. Aw thon are needit acause haudin forrit is aft a mixer-maxter o communities actin and authorities pittin mensefou structures in place tae mak things daeable.”

Scottish Parliament, 2024<sup>1</sup>

The Depute First Minister seyed that the Government was mindit tae mak the provisions o the Bill mair strang through amendments at Stage 2. She hielichtit the growin community inpit tae the process tae cry places Areas o Muckle Linguistic Mense and seyed that she wis giein thocht tae pittin in place a "richt tae staun-alane Gaelic Medium schuils" (Col 16).

Referrin tae Gaelic, the Depute First Minister set oot whit success micht look like. She seyed:

“ The first merk o success will be if a body whae has Gaelic fluency richt noo can live their hale life anely in Gaelic medium in their local area. The second merk o success will be if, at the neist census, we hae reversed the tide o dwynin nummers o speakers in the Gaelic hertlands—the Western Isles, Skye and ither coastal and island communities.”

Scottish Parliament, 2024<sup>1</sup>

The Scottish Pairlament agreed tae the braid principles o the Bill.

## Stage 2

Afore Stage 2, the Scots Government scribed tae the lead Committee wance mair and set oot its repones tae some o the mair braid criticisms o the Bill as weel as its initial ettles tae pit forrit amendments at Stage 2. This notit that the ettle o the Bill is tae haud forrit wi focussin on practical steps tae uphaud Gaelic baith nationally and in particular in areas whaur Gaelic is maist aft spikken.

The Depute First Minister seyed that the Government wisnae mindit tae eik on tae the definition o Scots in the Bill tae plainly mention regional byleids or leids, but wad gie mair thocht tae this.

Forby, the letter taen tent o areas whaur the Depute First Minister had speirt officials tae pit thegither proposals fur possible amendments:

- providin fur community inpit tae the cryin o areas o muckle linguistic mense
- listin the braid categories o ongauns that Gaelic speakers and learners can expect tae see in areas o muckle linguistic mense
- listin the braid categories that will be includit in the Gaelic Staunarts and Straitegy and that Scottish public authorities will be garred gied thocht tae
- uphaudin and settin oot the focus o the ongauns o Gaelic development officers
- providin that the Gaelic Straitegy wad include ootcomes and targets
- makkin siccar that Bòrd na Gàidhlig and public authorities are garred tae uphaud a range o community development ongauns
- tae forder the principle that Gaelic has equal staunin wi English tae ither pairts o the Bill
- uphaudin fur staun-alane Gaelic medium schuils
- address concerns aboot yaisin the term Scots and giein recognition tae regional forms and variations.

## Stage 2 Amendments

The Education, Children and Young People Committee (Education, Bairns and Young Fowk Committee) gied thocht tae 97 amendments at Stage 2 on 11 December 2024. The follaein is a cutty list o the thocht gied tae some o thae proponed amendments.

Ross Greer MSP pit forrit a nummer o amendments tae pit the principle o "equal staunin wi the English leid" as relates tae baith Gaelic and Scots on the face o the Bill. This is in keepin wi the language o section 1 o the Gaelic Leid (Scotland) Act 2005. Aw but twa o thir amendments were agreed tae; Mr Greer didnae haud forrit wi twa amendments that wad hae applied this principle tae the sections makkin Gaelic and Scots official leids o Scotland. The Depute First Minister threaped that applyin the principle tae the sections on official staunin nicht result in "some doot on the legal effect o the statements on official staunin". She seyed it wis better that the principle be applied tae specific duties set oot in

the Bill.

Amendments were pit forrit as regards tae the process o the cryin o areas o muckle linguistic mense (AMLM). The Scottish Government pit forrit an amendment whaurin if a local authority considers that aw or pairt o its area contains a "mensefou nummer o fowk wi Gaelic skills", but chooses no tae propone tae cry it an AMLM, it wad be garred explain its reasons fur no daein sae. Forby, the Government pit forrit an amendment tae gie Bòrd na Gàidhlig the pooer tae speir that a local authority gie thocht tae cryin an area an AMLM. The Government's amendments were agreed tae.

Pam Duncan-Glancy MSP pit forrit amendments tae include community cooncils and "sic ithier bodies as the local authority considers tae be representative o communities" as statutory consultees in the process o cryin AMLMs. The Depute First Minister suggestit that the Bill awready allooed fur consultin community cooncils but that there micht be situations whaur community cooncils micht "no be active". The Depute First Minister seyed that she uphaudit the principle hooivver and speired Pam Duncan-Glancy MSP tae wark wi the Government on amendments tae mak community engagement mair strang in this process afore Stage 3. Pam Duncan-Glancy MSP agreed and didnae press the amendments.

Twa Memmers pit forrit amendments regairdin the meisurin o progress in the uphaudin o Gaelic. Michael Marra MSP pit forrit an amendment that wad pit a duty on Ministers tae set oot statutory tairgets in regulations and a duty tae report "on issues relatin tae Gaelic". Ross Greer MSP pit forrit amendments that wad mak siccar that the Gaelic Straitegy wad include details o how progress will be meisurt. There wis some threap in the Committee as tae how prescriptive the Bill should be on the tairgets fur forderin Gaelic's position in Scotland and the nature o sic tairgets (e.g. local or national and nummer o speakers or braider metrics). The Depute First Minister committit tae warkin wi Michael Marra MSP tae look at a "stage 3 amendment that hauds the Government tae settin tairgets". Michael Marra MSP didnae press his amendments; Ross Greer MSP's amendments were agreed tae.

Ross Greer MSP pit forrit an amendment tae gie pooer tae Scottish Ministers tae mak orders tae gar public authorities fulfil ony duties unner the 2005 Act (as amendit by the present Bill). This wis agreed tae.

The Scottish Government and Michael Marra MSP baith pit forrit amendments wi the ettle o improvin the available data. Michael Marra MSP's amendment wad hae pit a duty on the Scottish Government tae report on the nummer o Gaelic leid speakers in Scotland ilka twa year. There wis a threap ower Michael Marra MSP's amendments around the nature o the types o data that wad be maist yaisefu tae gaiter. The Depute First Minister seyed that, afore Stage 3, she wis open tae lookin at amendments tae mak mair strang the duties o the Government tae report tae Pairlament, in particular "on progress in the areas o muckle linguistic mense". Michael Marra MSP didnae press his amendments. The Scottish Government pit forrit amendments tae gie pooers tae Ministers tae cairry oot research and gaiter data on baith Scots and Gaelic. These were agreed tae.

Ross Greer MSP pit forrit amendments tae uphaud the owersettin o documents by Education Scotland intae Scots and Gaelic. Pam Duncan-Glancy MSP pit forrit an amendment tae pit a duty on the SQA tae "mak plans fur material pit forrit by the authority fur schuilbairns in Gaelic medium education tae be owerset intae Gaelic". The Depute First Minister wis sympathetic tae the ettles ahint thir amendments but seyed that the draftin wad need tae be makkit tichter; she suggestit that the Government wad like as no "uphaud



amendments at stage 3 that are, mair or less, [thir amendments] wi some smaw draftin chynges". On the basis o thon, Ross Greer MSP and Pam Duncan-Glancy MSP didnae press thir amendments.

There were twa muckle amendments as regards tae local authorities' duties unner the Education (Scotland) Act 2016 tae gie thocht tae speirins fur Gaelic education. The Scottish Government pit forrit amendments tae shape a process fur local authorities tae gie thocht tae speirins tae establish aw-Gaelic schuils. The Committee agreed tae this amendment.

The noo there is a twa-stage process in the 2016 Act fur local authorities tae look at the need fur Gaelic medium primary education. Miles Briggs MSP pit forrit amendments that wad cut doon this process tae a single stage. The Depute First Minister seyed that she unnerstood "the sentiment ahint the amendments" and that she wad "like tae gie the maitter mair thocht, in consultation wi Mr Briggs, tae mak siccar that the draftin warks in a technical sense and that it maks the situation better fur parents, young fowk and awbody involved in deliverin GME". Miles Briggs MSP didnae press the amendments.

Willie Rennie MSP and Ross Greer MSP baith pit forrit amendments regairdin the staunin and independence o Sabhal Mòr Ostaig. The main odds atween them wis that Ross Greer MSP's amendment proponed that the Government review whether tae mak Sabhal Mòr Ostaig an independent higher education body. Willie Rennie MSP's amendment wad pit a duty on Ministers tae "forder and forrit the development o Sabhal Mòr Ostaig as a smaw specialist institution wi degree-awardin pooers". The Depute First Minister wis sympathetic tae the intentions o baith Memmers and seyed the Government supportit Ross Greer MSP's amendment and, at this stage, wadnae oppose Willie Rennie MSP's amendment. The Committee agreed tae Ross Greer MSP's amendment and, efter a division whaur SNP Memmers abstained, agreed tae Willie Rennie MSP's amendment forby. Although baith amendments ettle at braidly the same ootcome, it isnae clear that baith could stey in the Bill. Ross Greer MSP commentit that "it micht be necessar tae dae a wee bit o reconciliation at stage 3 on the issue".

Emma Harper MSP pit forrit amendments tae include reference tae "the different byleids o the Scots language yaised in different pairts o Scotland" as regards tae: the ettles o the Scots Leid Straitegy; the ettles o ony guidance gied tae public authorities; and as regards tae how local authorities uphaud Scots leid education. Thir amendments were agreed tae.

# Ither ongauns

Syne the Bill was pit forrit, the results o the 2022 Census on language yaise wis furthset. Forby, the Government has furthset its repone tae the report o the Short Life Warkin Group on Economic and Social Opportunities fur Gaelic.

## 2022 Census

The 2022 census data on the yaise o Scots and Gaelic wis includit in the release coverin “religion, ethnic group, leid and national identity”. This release wis furthset on 21 May 2024.

Fur baith Scots and Gaelic, there has been growth in the nummer o fowk wi ony skills in the leid, be it readin, scribevin, spikkin, or listenin.

The proportion o fowk in Scotland whae reportit that they had ony skills in Gaelic and Scots baith grew atween 2011 and 2022.

- Gaelic grew frae 1.7% tae 2.5%
- Scots grew frae 37.7% tae 46.2%.

In 2011, there were 1.9 million fowk wi ony skills in Scots; this had grown tae 2.4 million by 2022. Fur Gaelic, there were 87,000 people wi ony Gaelic leid skills in 2011, this had grown tae 130,000 by 2022.

Na h-Eileanan Siar is aye the local authority wi the mucklest proportion o fowk that hae Gaelic skills. The percentage o residents ower 3 that hae ony Gaelic skills (i.e. ony mixter-maxter o unnerstaunin, spikkin, readin or scribevin Gaelic) wis 57%. In 2011, the correspondin figure wis 61%.

Spikkin tae the Education, Children and Young People Committee (Education, Bairns and Young Fowk Committee), the Depute First Minister seyed:

“ “[The 2022 Census] kythes that there has been growth ower-aw in Gaelic skills. Thon is awfie braw and should be handselt. Hooivver, fur the first time, Gaelic is noo spoken by less than 50 per cent o fowk in the Western Isles, and that should be a wake-up caw as regards tae how we look at uphaidin sic communities.”

Scottish Parliament, 2024<sup>2</sup>

Mair details o the Census can be fund in a Blog furthset by SPICe in August 2024. Mair details o the Census can be fund in a Blog furthset by SPICe in August 2024.

## Scottish Budget 2025 to 2026

The Scottish Budget 2025-26 includit an eikit-on £5 million tae uphaid Gaelic and Scots.

The Budget document seyed:

“ We will show oor commitment tae the Scottish Leids Bill by heezin up investment in the sector tae £30.5 million, biggin on the meisurs awready in place in education, the airts and community and public life, and contributin tae inclusive growth, education and enjoyment o leid richts fur Gaelic and Scots speakers.”

Scottish Government, 2024<sup>3</sup>

## Short Life Working Group on Economic and Social Opportunities for Gaelic

In 2022, the then Cabinet Secretar fur Finance and the Economy, Kate Forbes MSP, set up a Short Life Warkin Group on Economic and Social Opportunities fur Gaelic (the SLWG). The focus o this group's wark was tae seek tae “mak Gaelic mair strang by means o a focus on economic opportunities and tae mak the economy mair strang by makkin the maist o Gaelic opportunities”. The SLWG was commissioned unner the Scottish Government's National Straitegy fur Economic Transformation[EC1] .

The SLWG notit—

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“ Economic and cultural activity maunna be taen tent o apairt. Cultural ongauns contribute muckle tae Scotland's economy forby offerin social thegitherness in communities along wi opportunities tae yaise Gaelic. The leid is o muckle interest tae visitors comin tae Scotland, whae contribute forby tae the economy. In leid plannin terms, the desire tae yaise Gaelic is influenced by the leid's staunin. Economic opportunities and social activities can aft forder fowk tae acquire, or mak mair yaise o, Gaelic skills.”

The SLWG notit the range o policy inpits but statit “the group is in nae doot that Gaelic aye bides in a shooglie position and there maun be a demonstration o urgency across the range o bodies that can bring about positive chynge fur tae ensure the leid's future.” It seyed forby that the Scottish Government should heeze its direct fundin for Gaelic development “fur tae forder economic growth and realise in fou the social and personal-weal potential o Gaelic.”

The SLWG makkit recommendations unner a braid range o heidins. These were:

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

The SLWG had a particular, but no exclusive, focus on “Key Gaelic Communities”, which it defined as “aw thaim in Na h-Eileanan Siar, Skye & a wheen districts o Lochalsh, Tìree, Islay and Jura – places whaur, in the 2011 census, 20% or mair o the fowk had Gaelic

abilities”. The SLWG seyed—

“ Mony o the trauchles that face leid yaise in Key Gaelic Communities are relatit tae population attraction and haudin. Wioot infrastructure sic as adequate hoosin and siccar transport links, forby digital connectivity, we cannae growe or haud populations. The viability o thae communities is unner threat and, wi thon, Gaelic as a community leid.”

The Government reponed tae the Short Life Warkin Group on Economic and Social Opportunities fur Gaelic on 22 November 2024. In her forewird tae the repone, the Depute First Minister and Cabinet Secretar fur Economy and Gaelic, Kate Forbes MSP, seyed:

“ The Scottish Government proodly uphauks a national approach tae Gaelic wi the principle that the leid belongs tae aw. But it is plain that the Gaelic policies we and oor stakehauders ettle efter within the communities looked at in this report maun noo tak full tent o the social and economic aspecks o leid revitalisation. The insights and recommendations o the Short Life Warkin Group represent ane o the heidmaist diagnoses o the darg ahead o us. Alangside the Scottish Leids Bill it stauns as the maist muckle policy step we are noo takkin fur Gaelic.”

The Government acceptit or acceptit in pairt awmaist aw o the SLWG's recommendations. The Government's repones tae recommendations makkit reference tae the provisions o the Bill a when o times.

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