

EXPLANATORY NOTES

Scottish Languages Act 2025 (asp 10)

£8.90

These notes relate to the Scottish Languages Act 2025 (asp 10)
which received Royal Assent on 31 July 2025

SCOTTISH LANGUAGES ACT 2025

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Scottish Languages Act 2025. They do not form part of the Act and have not been endorsed by the Parliament.

2. These Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section, or a part of a section, does not seem to require any explanation or comment, none is given.

CROWN APPLICATION

3. Section 20 of the Interpretation and Legislative Reform (Scotland) Act 2010 provides that the Crown will be bound by an Act of the Scottish Parliament or Scottish statutory instrument unless the provision expressly exempts it. As such, this Act applies to the Crown in the same way as it applies to everyone else. However, where the Act amends an existing enactment, it makes no change to the application of the enactment to the Crown.

OVERVIEW OF THE ACT

4. The Act consists of three Parts. Part 1 is on Gaelic; Part 2 is on Scots and Part 3 contains final provisions. Parts 1 and 2 are each divided into two Chapters.

5. Part 1 Chapter 1 is titled "Support for the Gaelic language" and makes provision about the status of the Gaelic language and the functions of Bòrd na Gàidhlig, as well as making provision about the functions of the Scottish Ministers and relevant public authorities in relation to Gaelic.

6. Part 1 Chapter 2 is titled "Education" and makes provision about the functions of the Scottish Ministers and education authorities in relation to Gaelic education, as well as modifying various enactments relating to education to increase the support for Gaelic education.

7. Part 2 Chapter 1 is titled "Support for the Scots language" and makes provision about the status of the Scots language, as well as making provision about the functions of the Scottish Ministers and relevant public authorities in relation to Scots.

8. Part 2 Chapter 2 is titled "School education" and makes provision about the functions of the Scottish Ministers and education authorities in relation to Scots language education in schools.

9. Part 3 is titled "Final provisions" and includes provision for ancillary powers and commencement.

10. In these Notes:

- the "1980 Act" means the Education (Scotland) Act 1980,
- the "2005 Act" means the Gaelic Language (Scotland) Act 2005,
- the "2016 Act" means the Education (Scotland) Act 2016.

COMMENTARY ON PROVISIONS

Part 1: Gaelic

Chapter 1: Support for the Gaelic language

Section 1: Status of the Gaelic language

11. Section 1 of the Act inserts a new section before section 1 of the 2005 Act, providing for the status of the Gaelic language. The statement in subsection (1) that the Gaelic language has official status within Scotland is given legal effect by the provisions of the 2005 Act conferring functions on Bòrd na Gàidhlig, the Scottish Ministers and other persons (relevant public authorities, as defined in section 10 of the 2005 Act) and enactments relating to Gaelic education.

12. The terms "Gaelic language" and "Gaelic education" are defined in section 10 of the 2005 Act.

13. Subsection (3) provides that subsection (1) does not affect the operation of any other enactment (as defined in the Interpretation and Legislative Reform (Scotland) Act 2010) or the status of any other language. For example, this provision does not affect the operation of the Equality Act 2010, modification of which is a reserved matter under the Scotland Act 1998.

Section 2: Functions of Bòrd na Gàidhlig

14. Section 2 of the Act adjusts the functions of Bòrd na Gàidhlig, the public body established by the 2005 Act.

15. Subsection (2)(a) inserts new paragraphs into section 1(2) of the 2005 Act to confer additional functions on Bòrd na Gàidhlig, and repeals the function of monitoring, and reporting to the Scottish Ministers on, the implementation of the European Charter for Regional or Minority Languages dated 5 November 1992 in relation to the Gaelic language. "Gaelic language", "Gaelic education" and "Gaelic culture" referred to at inserted paragraph (ab) are all defined in section 10 of the 2005 Act.

16. Subsection (2)(b) removes reference to securing the status of Gaelic as an official language from the description of how Bòrd na Gàidhlig's functions are to be exercised, as the status of the Gaelic language is now dealt with by inserted section A1. It also adjusts the list in section 1(3) of the 2005 Act, which describes how Bòrd na Gàidhlig's functions are to be exercised, to make reference to areas of linguistic significance, introduced by section 4 of the Act.

17. New subsections (3A) and (3B) are relocated from sections 8(9) and (10) of the 2005 Act, since the remaining provisions of section 8 are being repealed and so it is clearer for these provisions to be understood as part of the functions of Bòrd na Gàidhlig. The reference to section 8(9) in schedule 1 paragraph 11(2) is amended as a result.

18. New subsection (3C) requires Bòrd na Gàidhlig to provide, or procure the provision of, advice, assistance and support to any person in the preparation of a plan for the development or promotion of the Gaelic language, Gaelic education and Gaelic culture in relation to a community in a particular area. A "person" could include an individual or a legal person such as an organisation (whether incorporated or not), by virtue of the definition in schedule 2 of The Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999. The plan could cover any size of area, and any sort of community.

Section 3: Bòrd na Gàidhlig corporate plan

19. Section 3 of the Act amends schedule 1 of the 2005 Act to require Bòrd na Gàidhlig to prepare a corporate plan and submit this to the Scottish Ministers for approval. The inserted paragraph 7A sets out the matters which must be included in the corporate plan and the process by which it will be approved by the Scottish Ministers.

Section 4: Areas of linguistic significance

20. Section 4 of the Act modifies the 2005 Act to insert four new sections.

21. Inserted section 1A sets out the criteria by which an area may be designated as an area of linguistic significance under section 1B.

22. Under subsection (1)(a), an area may be designated if it contains a significant number of people with Gaelic language skills. Gaelic language skills would include being able to speak, read or write Gaelic, or being able to understand spoken Gaelic, at any level of fluency. Under subsection (2), a "significant number" is taken to be 20% of the area's population. This could be established for example by looking at census figures.

23. Under subsection (1)(b), an area which does not contain a significant number of people with Gaelic language skills may still be designated if it is historically connected with the use of Gaelic (for example because there have been a significant number of people with Gaelic language skills in the past), it is one in which teaching and learning by means of the Gaelic language is provided (for example, through the provision of Gaelic medium education by the education authority for that area) or it is one in which significant activity relating to the Gaelic language or Gaelic culture takes place (for example, the area regularly hosts a significant music festival including music by Gaelic speaking artists).

24. An "area" does not have to be a local authority area: it could be a smaller area forming part of a local authority area.

25. Inserted section 1B sets out the process for a local authority to designate all or part of its area as an area of linguistic significance, if it considers that the area falls within the description set out in section 1A(1).

26. A local authority must actively consider whether all or part of its area meets the criterion of at least 20% of the population having Gaelic language skills: this consideration must happen within 1 year of the section coming into force, and subsequently every 5 years. If the local authority considers that the criteria is met, it must consider submitting a designation in respect of that area. If it decides not to do so, the local authority must publicise that decision and its reasons for making it.

27. The local authority must consult interested persons and publicise the proposed designation before submitting it to the Scottish Ministers for approval. A designation may be varied or revoked by the local authority, with such variation or revocation being subject to the same process of consultation, publication and submission for approval.

28. The Scottish Ministers may give guidance to local authorities relating to their functions under this section and a local authority must have regard to such guidance. Guidance under this section may in particular relate to how to determine which areas may be designated and factors to be taken into account in determining whether an area contains more than 20% of the population with Gaelic language skills. This could, for example, provide examples of when census output areas or electoral wards might be appropriately considered for designation, or set out more detail on what having Gaelic language skills means, with the potential for this guidance to change over time as circumstances develop. Guidance could also, for example, set out more detail about the kinds of activity which would result in an area being capable of designation under section 1A(1)(b).

29. Inserted section 1C allows Bòrd na Gàidhlig to request a local authority to consider making a designation as an area of linguistic significance. The Bòrd must make such a request if the Bòrd considers that there is evidence of demand for designation by persons residing in the local authority's area. The local authority must publicise its decision (and the reasons for making the decision) if it decides not to submit a proposed designation as a result of the request. The Scottish Ministers may give guidance to the Bòrd and local authorities about their functions relating to such requests.

30. Inserted section 1D allows the Scottish Ministers to intervene if a local authority decides not to submit a designation when it considers that 20% of an area's population has Gaelic language skills, or when Bòrd na Gàidhlig has made a request for it to consider making a designation. The Scottish Ministers may require the local authority to reconsider its decision. The local authority must reconsider the decision within 3 months and then either submit a proposed designation or confirm its decision not to do so. If it confirms its decision not to do so, it must notify the Scottish Ministers of the reasons for that.

31. Section 4 also amends section 3(4) of the 2005 Act so that a relevant public authority (as defined in section 10 of the 2005 Act) must set out the measures to be taken in relation to the exercise of its functions in an area of linguistic significance in its Gaelic language plan. Section 4 also expands section 3(8) of the 2005 Act (which sets out more detail on the regulation-making power in section 3(7)) to allow the Scottish Ministers to make further provision about the required content of Gaelic language plans in respect of areas of linguistic significance.

Section 5: National Gaelic language strategy

32. Section 5 of the Act replaces the National Gaelic language plan prepared by Bòrd na Gàidhlig under section 2 of the 2005 Act with a national Gaelic language strategy to be prepared by the Scottish Ministers.

33. Inserted section 2A sets out the required content of the national Gaelic language strategy, publication requirements and timescales for its preparation and review and revision. In particular, in preparing the strategy the Scottish Ministers must have regard to the principle that the Gaelic and English languages should be accorded equal respect.

34. The strategy must impose targets on the Scottish Ministers in relation to promoting, facilitating and supporting the use of the Gaelic language. Subsection (3) sets out some illustrative examples of matters which may be included in targets. Whilst the strategy cannot impose targets on other persons, relevant public authorities will need to have regard to the targets as part of the strategy when exercising its functions (see inserted section 2B(2)) and preparing a Gaelic language plan (see section 3(5)(aa) inserted by section 9(2)(b)(ii) of the Act).

35. Inserted section 2B requires that the Scottish Ministers must have regard to the strategy when making policies and exercising their functions, and that a relevant public authority must have regard to it in exercising the authority's functions.

36. Section 2 of the 2005 Act is repealed. Section 2 contains the requirements for the preparation of a national Gaelic language plan. Because it does not contain any provision as to the effect of that plan, any plan prepared will continue in effect for the period it was prepared for, notwithstanding the repeal of section 2.

Section 6: Gaelic language standards

37. Section 6 of the Act inserts a new section 2C into the 2005 Act, giving the Scottish Ministers a power to make regulations to specify standards and requirements relating to promoting, facilitating and supporting the use of the Gaelic language which are to apply to relevant public authorities in exercising their functions.

38. Regulations under section 2C may in particular make provision about the preparation of publications and provision of information, make provision about how functions are to be exercised in areas of linguistic significance and otherwise make different provision for different areas (including different parts of the area in which the authority exercises its functions, for example different parts of a local authority area). Regulations which make provision about how functions are to be exercised in areas of linguistic significance may in particular include provision about the exercise of functions relating to the matters listed in section 2C(3).

39. Regulations under section 2C are subject to the affirmative procedure and the Scottish Ministers must publish a draft of the standards and requirements to be specified by the regulations and consult interested parties on those draft standards and requirements before laying a draft of the regulations before the Scottish Parliament. The Scottish Ministers must publish the results of that consultation.

40. A draft instrument containing the first set of regulations must be laid before the Scottish Parliament within 1 year of the section coming into force. If this is approved by the Scottish Parliament, the Scottish Ministers must make the regulations.

Section 7: Functions of relevant public authorities

41. Section 7 of the Act inserts three new sections into the 2005 Act.

42. Inserted section 2D requires a relevant public authority to have regard to promoting, facilitating and supporting the use of the Gaelic language, and developing and encouraging Gaelic culture, in exercising its functions. "Gaelic language" and "Gaelic culture" are defined in section 10 of the 2005 Act.

43. Inserted section 2E gives the Scottish Ministers a power to give guidance to relevant public authorities relating to their duties under inserted section 2D. In preparing the guidance, the Scottish Ministers must have regard to the principle that the Gaelic and English languages should be accorded equal respect. The Scottish Ministers must consult interested parties and publish the results of that consultation.

44. Inserted section 2F gives the Scottish Ministers a power to give directions to relevant public authorities. The power in section 2F could be used, for example, to direct a relevant public authority to include Gaelic language in its branding or signage. The Scottish Ministers must consult with a relevant public authority before giving a direction to that authority.

Section 8: Reporting on national Gaelic language strategy, standards and duties

45. Section 8 of the Act inserts a new section 2G into the 2005 Act, providing that Bòrd na Gàidhlig must prepare and publish a report every 2 years about the progress made towards meeting the objectives and targets set out in the national Gaelic language strategy published under section 2A (inserted by section 5 of the Act).

46. Section 8 also inserts section 2H into the 2005 Act, requiring Bòrd na Gàidhlig to prepare and publish reports about the compliance by relevant public authorities (either generally or specifically) with their duty to have regard to the Gaelic language strategy, their duty to comply with standards and requirements specified in regulations under section 2C(1) and the duties imposed by section 2D, and lay these reports before the Scottish Parliament.

Section 9: Gaelic language plans

47. Section 9 of the Act makes various changes to section 3 of the 2005 Act on Gaelic language plans, to take account of the new national Gaelic language strategy and to adjust the process for preparation of Gaelic language plans. A relevant public authority will be required to have regard to the principle that the Gaelic and English languages are to be accorded equal respect when preparing its Gaelic language plan.

48. Section 4 of the 2005 Act is modified to adjust various timescales and to express these consistently in terms of periods of time.

49. Section 5 of the 2005 Act is modified to require a relevant public authority to provide Bòrd na Gàidhlig with any additional information required following submission of its Gaelic language plan for approval: for example, this could include any background figures or evidence the authority has used in formulating its Gaelic language plan. Section 5(5)(c) is replaced: the new paragraph (c) sets out that the duty to refer the matter to the Scottish Ministers arises on the later of the expiry of two months of the authority advising that modifications are not agreed, or the date that Bòrd na Gàidhlig considers that it will not be able to approve the plan. Bòrd na Gàidhlig can continue to discuss the plan with the authority and need only refer it to the Scottish

Ministers once it considers that it will not be able to approve the plan either as originally submitted or with agreed modifications. If an authority fails to respond at all to a request for modifications to its plan, new subsection (5A) provides that Bòrd na Gàidhlig may either approve the plan as originally submitted or refer the matter to the Scottish Ministers. Otherwise, the Gaelic language plan could simply be left unfinished if an authority did not respond to a request for modifications.

50. Section 6 of the 2005 Act is also modified so that a relevant public authority must proactively report to Bòrd na Gàidhlig on the implementation of its Gaelic language plan within 15 months of the plan being approved, and every 12 months thereafter. Those reports may be published by Bòrd na Gàidhlig. The Bòrd must also report to the Scottish Ministers where it considers that a relevant public authority is failing to implement adequately measures in its Gaelic language plan and must publish those reports. The Scottish Ministers must lay those reports before the Scottish Parliament. The Scottish Ministers must direct the authority to implement any or all of the measures in its Gaelic language plan if they accept the Bòrd's conclusion that the authority is failing to implement these adequately and they consider it necessary or expedient to make such a direction.

51. Section 9 also inserts a new section 7A to the 2005 Act allowing the Scottish Ministers to give guidance to relevant public authorities on Gaelic language plans. This replaces the guidance powers of Bòrd na Gàidhlig in section 8 of the 2005 Act, which is repealed. Section 7A is itself modified by section 16(5) of the Act, which adds provision for the regulations relating to education inserted by that section.

Section 10: Financial assistance for the promotion etc. of the Gaelic language

52. Section 10 inserts a new section 7B into the 2005 Act, creating a power for the Scottish Ministers to give financial assistance, including grants and loans, to any person for the purposes of promoting, facilitating and supporting the use of the Gaelic language, on such conditions as the Scottish Ministers think fit.

Section 11: Scottish Ministers' powers relating to research etc.

53. Section 11 inserts a new section 7C into the 2005 Act, creating a power for the Scottish Ministers to conduct research and inquiries, collect data and publish statistics, provide training, or encourage or assist other persons to do those things.

Section 12: Power to enforce duties of relevant public authorities

54. Section 12 inserts a new section 9A into the 2005 Act. This gives the Scottish Ministers a power to make an order (whether in response to a complaint by any person, or otherwise) declaring a public authority to be default in respect of any duty under the 2005 Act and requiring it to discharge that duty, with further powers for the Scottish Ministers to make arrangements for discharging the duty, and for the Court of Session to order specific performance of the duty by application of the Lord Advocate.

Section 13: Interpretation: meaning of relevant public authority

55. Section 13 modifies section 10 of the 2005 Act to add the bodies listed in section 13(2)(b) to the definition of relevant public authority.

Section 14: Land rights and responsibilities statement: regard to be had to supporting Gaelic

56. Under section 1 of the Land Reform (Scotland) Act 2016, the Scottish Ministers must prepare and publish a land rights and responsibilities statement: a statement of principles for land rights and responsibilities in Scotland. Section 14 of the Act adds the desirability of promoting, facilitating and supporting the Gaelic language to the list of matters to which the Scottish Ministers must have regard in preparing the statement.

Chapter 2: Education

Section 15: Duty of Scottish Ministers to promote Gaelic education

57. Section 15 of the Act inserts a new section 6A into the 2016 Act. This imposes a duty on the Scottish Ministers to promote, facilitate and support the provision in schools of Gaelic learner education and Gaelic medium education and the teaching of the Gaelic language in the provision of further education by education authorities. Those terms are defined in section 18 of the 2016 Act.

58. The Scottish Ministers must in particular promote, facilitate and support the provision of education resources in the Gaelic language for use in school education. This could include resources such as worksheets, reading books and other learning materials.

59. Section 15 also amends the definition of "Gaelic language" in the 2016 Act so that it refers to Gaelic being "used" rather than "spoken", to make the definition consistent with the definition in the 2005 Act.

Section 16: Power for Scottish Ministers to set standards relating to Gaelic education

60. Section 16 of the Act inserts a new section 6B into the 2016 Act. This gives the Scottish Ministers power to make regulations to specify the standards and requirements to which an education authority must conform in discharging its functions in relation to Gaelic learner education, Gaelic medium education and teaching of the Gaelic language in its provision of further education. This is modelled on the power to prescribe standards and requirements in section 2 of the 1980 Act. However, unlike that section, the standards and requirements will not have to apply to every education authority. This will allow for the flexibility needed to account for differing levels of provision of Gaelic education across different education authorities.

61. In preparing regulations under this section, the Scottish Ministers must consult the various interested parties listed in subsection (3) and publish the results of that consultation. The regulations may make different provision for different purposes and different areas (including different parts of an education authority's area) and are subject to the negative procedure by virtue of section 31(4) of the 2016 Act.

62. Section 16 also modifies section 7A of the 2005 Act, inserted by section 9(6) of the Act, so that the Scottish Ministers may give directions to an education authority relating to the application of the standards and requirements specified in these regulations to the preparation of its Gaelic language plan. A direction may be varied or revoked, and an education authority must comply with a direction given to it.

Section 17: Guidance to public authorities relating to Gaelic education

63. Section 17 of the Act inserts a new section 6C into the 2016 Act, requiring the Scottish Ministers to give guidance to Scottish public authorities relating to Gaelic learner education and Gaelic medium education, the teaching of the Gaelic language in the provision of further education by education authorities, and the development of such education. The Scottish Ministers must consult the interested parties listed in subsection (3) in preparing the guidance.

64. By virtue of schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010, "Scottish public authority" has the meaning given to it by section 126(1) of the Scotland Act 1998, which is "any public body (except the Parliamentary corporation), public office or holder of such an office whose functions (in each case) are exercisable only in or as regards Scotland".

65. A Scottish public authority having functions relating to education must, to the extent that the guidance relates to those functions, have regard to the guidance. For example, this power could be used to give guidance to Scottish public authorities which produce resources to be used in schools.

66. This replaces section 9(1) to (2A) of the 2005 Act, which conferred a guidance-making power on Bòrd na Gàidhlig. Those provisions (and section 16 of the 2016 Act which inserted them into the 2005 Act) are repealed. References in the 2016 Act to guidance under section 9 of the 2005 Act are changed to be references to guidance under this section.

Section 18: Production of school education resources in Gaelic

67. Section 18 of the Act inserts two new sections into the 2016 Act.

68. Inserted section 6D requires the Scottish Ministers to consider whether to produce information, guidance or documents for use in school education in Gaelic where that material is produced in English. If an education authority requests a translation of such material, including material produced before the section comes into force, the Scottish Ministers must consider providing that.

69. The duty applies to material produced by the Scottish Ministers (with subsection (3) setting out in more detail what "producing material" means) which is used in the delivery of school education by teachers or is intended for use by pupils when doing their school work. This might include material relating to topics such as climate change, road safety, personal health and healthy eating which is for use in the context of the classroom.

70. Inserted section 6E requires the Scottish Ministers to keep under review the adequacy of education resources in Gaelic for use in school education, and to prepare and publish reports setting out steps they consider necessary to address any issues identified by the review.

Section 19: General duty to provide education includes Gaelic education

71. Section 19 of the Act modifies the 1980 Act so it is clear that the provision of Gaelic learner education and Gaelic medium education comes within the definition of school education, and that therefore an education authority's duty to secure the provision of adequate and efficient school education for the authority's area may include Gaelic learner education and Gaelic medium education (inserting definitions of those terms into the 1980 Act to be consistent with the 2016 Act). This no longer applies only in Gaelic-speaking areas (which was

not defined in the 1980 Act, resulting in potential uncertainty). The teaching of the Gaelic language as part of an education authority's duty to provide further education also no longer applies only in Gaelic-speaking areas.

Section 20: Duty to promote Gaelic education in exercising functions under the Education (Scotland) Act 1980

72. Section 20 of the Act inserts a new section 14A into the 2016 Act. In exercising its functions under the 1980 Act, an education authority must promote, facilitate and support Gaelic learner education, Gaelic medium education and the teaching of the Gaelic language in its provision of further education, and have regard to the needs and interests of pupils and prospective pupils.

73. Although section 15 of the 2016 Act imposes a duty to promote and support Gaelic medium education and learning, that relates only to provision which the education authority is already making. The duty in inserted section 14A is therefore a broader duty.

Section 21: Information-sharing about Gaelic education

74. Section 21 of the Act inserts a new section 16A into the 2016 Act. This allows Bòrd na Gàidhlig to serve a notice on an education authority requiring it to provide information about Gaelic learner education, Gaelic medium education or the teaching of the Gaelic language in its provision of further education. An education authority must comply with the notice.

Section 22: Gaelic education delivery planning

75. Section 22 modifies section 3 of the 2005 Act, which sets out the requirements for Gaelic language plans. Where the authority preparing the plan is an education authority, the plan must set out the authority's plan for the provision of Gaelic education, and the authority must consult the interested persons listed in inserted subsection (6A) on those elements of the plan. The existing power for the Scottish Ministers to make regulations about the content of Gaelic language plans is expanded to allow for further provision about the matters which an education authority must include in its Gaelic language plan under inserted subsection (4A).

76. Definitions of "Gaelic learner education" and "Gaelic medium education" are added for the purposes of this section. Gaelic medium education will include Gaelic medium early learning and childcare, because "education" includes education provided to pre-school children. The definition in section 46 of the Children and Young People (Scotland) Act 2014 Act defines early learning and childcare as including such education and section 1(5)(a)(i) of the 1980 Act includes early learning and childcare in the definition of school education. Therefore, the education aspects of the Gaelic language plan will need to include plans for the provision of Gaelic medium early learning and childcare. Section 7 on review of plans is amended to make sure that the new subsection (6A) is correctly referenced.

Section 23: Production of material relating to Gaelic education qualifications

77. Section 23 inserts two new sections into the 2016 Act imposing duties on the Scottish Qualifications Authority ("SQA").

78. Inserted section 16B requires that the SQA must ensure that its qualifications include an appropriate number and range of qualifications available in Gaelic, and must seek advice from the Scottish Ministers, Bòrd na Gàidhlig and other persons with expertise or interest.

79. Inserted section 16C requires the SQA to produce information, guidance or documents for use in connection with qualifications in Gaelic for Gaelic qualifications, where equivalent material is produced for English language qualifications. This could include material such as study guides or marking guidance. The SQA must translate any such material on request from the Scottish Ministers, whether or not the material was produced before the section comes into force.

Section 24: Duty to support access to Gaelic medium education

80. Section 24 modifies section 15 of the 2016 Act to place an education authority under a duty to support a child who is resident in its area to access Gaelic medium education provided in the area of another education authority, so far as reasonably practicable. This applies both where the home authority does not provide Gaelic medium education, and where it does but it is not reasonably practicable for the child to access it (for example, because it is too far to travel).

Section 25: Duty to establish a catchment area for schools providing Gaelic medium education

81. Section 25 inserts a new section 15A into the 2016 Act, requiring an education authority to establish a catchment area for each Gaelic medium school. For schools which exist prior to the day this section comes into force, a catchment area must be established within a period of 2 years of that day. For schools which are established after this section comes into force, the duty will apply on establishment of the school. The catchment area may, but need not, be the same as for other schools, or for any English medium education at the same school. In establishing a catchment area, the education authority must take account of the need to provide reasonable travel arrangements.

Section 26: Transport to Gaelic medium education: application of Schools (Consultation) (Scotland) Act 2010

82. Section 26 adds a proposal to discontinue arrangements for transport for pupils in Gaelic medium education to schedule 1 of the Schools (Consultation) (Scotland) Act 2010, with the effect that an education authority will have to follow the process set out in that Act for any such relevant proposal. This is not limited to arrangements for transport within the local authority area and so would apply to any proposal to discontinue any transport arrangements for pupils in Gaelic medium education, whether or not that is within the local authority area. New paragraph 7A inserted into schedule 2 provides the list of relevant consultees for such a relevant proposal, and the substitution of paragraph 11 means that Comann nam Pàrant (Nàiseanta) will also be a relevant consultee for all proposals affecting Gaelic medium education.

Section 27: Assessments: power to make different provision for different areas

83. Section 27(2)(a) modifies the 2016 Act so that the power in section 9(7) to vary the number of children which will trigger the requirement for a full assessment of Gaelic medium primary education provision can apply to different areas within an education authority's area.

84. If the power in section 9(7)(b) were to be used to make different provision for different parts of an education authority's area, that could result in a different number being specified for different parts of a GMPE assessment area (which an education authority sets under section 8 of the 2016 Act as the basis for assessing need). For example, if the power was used to set different numbers for rural and urban areas, a GMPE assessment area which was mostly

rural but which included a housing development on the outskirts of a city could be subject to different numbers of children to satisfy the condition in section 9(6). Inserted subsection (7A) provides that in that situation, the lowest number is to be read as applying to the whole of the GMPE assessment area, so that it is clear whether or not the condition in section 9(6) has been met.

Section 28: Assessments of requests for Gaelic medium education

85. Section 28 modifies the 2016 Act with the effect that the process set out for the assessment of whether to provide Gaelic medium primary education (GMPE) is modified and extended so that it will also apply to early learning and childcare.

86. Definitions of "Gaelic medium early learning and childcare" and the abbreviation "GMELC" are added to section 18 (interpretation) of the 2016 Act and inserted into sections 7, 8, 12 and 13 so that all references to Gaelic medium primary education also extend to Gaelic medium early learning and childcare.

87. Section 7 is amended so that a request to an education authority to assess the need for the provision of GMPE or Gaelic medium early learning and childcare (GMELC) can be made by Comann nam Pàrant (Nàiseanta) or Bòrd na Gàidhlig, as well as by the parent of a child who is under school age, has not commenced attendance at a primary school, and is resident in the education authority's area.

88. Section 7(2) is repealed. This required a request to include evidence of demand for GMPE from parents of other children resident in the education authority area and in the same year group. Instead, while a request may be accompanied by evidence of demand under subsection (3), it will be for the education authority to provide an opportunity for this evidence to be submitted to it (see the modifications to section 12 described below). This means that the definition of "year group" in section 7(4) is no longer required and is repealed.

89. Section 8 is modified to add a guidance making power for the Scottish Ministers which specifically relates to the functions of education authorities under sections 8, 12 and 13: that is, designating an assessment area, making an assessment, and taking action following that assessment. The other changes to section 8 are to extend its application to GMELC.

90. Sections 9, 10 and 11 are repealed. Section 9 required an education authority to make an initial assessment of a request with section 10 imposing duties on the authority following that assessment. The repeal of sections 9 and 10, and the modification of section 12 discussed below, means that there will now be a single assessment rather than the previous two stage process. Section 11 provided a mechanism to avoid repeat requests: this is now inserted into section 12 as subsection (1A).

91. Section 12 is amended so that the duty on an education authority in response to a request is to consider its provision of GMPE or GMELC, and the demand for GMPE or GMELC in the relevant assessment area, and complete an assessment of the need for the provision of GMPE or GMELC in the relevant assessment area. The assessment of demand should take into account projections for future demand, for example if there is evidence that there is a cohort of pre-school children in the area whose parents are interested in GMPE. The assessment must be completed within 6 months of receipt of a request under section 7(1).

92. New subsections (1A) and (1B) replicate what was section 11 for the new assessment process: an education authority need not carry out the consideration and assessment required by subsection (1) if it has within the previous 2 years published a report of an assessment in respect of the same assessment area and same stage of provision. Where a request is made to assess the need for GMPE, a request within two years to assess the need for GMELC will still need to be considered (and vice versa).

93. The Scottish Ministers may direct an education authority to carry out a repeat assessment in cases where they consider that appropriate: for example, there might have been a significant change to school provision or population in the area during that time.

94. Section 12 is also amended so that the education authority must seek advice on the assessment from HM Inspectors of Schools, Bòrd na Gàidhlig and Comann nam Pàrant (Nàisenta), and must publicise arrangements for receiving representations from parents, children and other persons with expertise or interest in the Gaelic language. The references to children include both children who are attending school in the area, and children who are resident in the area, to ensure that this includes for example children who are attending Gaelic medium education in another area. The authority must have regard to these representations in deciding whether to secure the provision of GMPE or GMELC in the assessment area.

95. Section 13 is amended so that the report of the assessment must be published on the authority's website as soon as reasonably practicable after the assessment has been completed. The other changes to section 13 reflect the changes made to the previous provisions.

96. Section 14, which conferred a power to extend Part 2 of the 2016 Act to early learning and childcare, is repealed.

97. Definitions which are no longer used are repealed from section 18(2) (interpretation of Part 2).

Section 29: All-Gaelic schools: viability of establishment

98. Section 29 inserts four new sections into the 2016 Act.

99. Inserted section 13A provides that an education authority must, when requested to do so, consider provision of and demand for Gaelic medium education in its area and complete an assessment of whether it would be viable for the authority to establish an all-Gaelic school in the area specified in the request. A request for an assessment of viability can be made by a parent of a child resident in the education authority's area, by Comann nam Pàrant (Nàiseanta) or by Bòrd na Gàidhlig. The area specified in the request need not be the whole of the education authority's area: it could be a more specific area within that, although the duty would then be to complete an assessment of viability in that smaller area. The education authority has 9 months in which to make an assessment.

100. The authority need not make an assessment where there has been another request within the previous 2 years, if that request relates to the same area. A request relates to the same area if, assuming it had led to the establishment of an all-Gaelic school, it would have been reasonably practicable for pupils to whom the further request relates to access that school. For example, another request within two years to make an assessment for the same small town

would not have to be considered, but another request to make an assessment for an entirely different part of the education authority's area might have to be considered, depending on the particular circumstances for travel and other access.

101. Inserted section 13B sets out the process for assessments. The education authority must seek advice from Bòrd na Gàidhlig, Comann nam Pàrant, His Majesty's Inspectors of Schools and other education authorities which have established all-Gaelic schools within their areas. The education authority must consider representations from parents of children resident or attending schools in its area, children resident or attending schools in its area and such other persons with expertise or an interest in the Gaelic language as the authority considers appropriate. Arrangements for receiving representations from these groups must be publicised. The authority must also have regard to a range of relevant factors set out in section 13B(2). It must assess that it would be viable to establish an all-Gaelic school in the area specified in the request unless, having regard to those factors, it would be unreasonable to make that assessment. The assessment may be that it would be viable to establish an all-Gaelic school if certain circumstances occur.

102. There is a power for the Scottish Ministers to modify subsections (1) and (2) to adjust the people whose advice or representations must be sought, or to adjust the list of things to which the authority must have regard. The regulations will be subject to the negative procedure by virtue of section 31(4) of the 2016 Act.

103. Inserted section 13C sets out the duties of education authorities following assessments. The authority must publish the assessment, including the result of the assessment, the evidence considered by the authority and the reasons for the result.

104. Where the assessment is that it would be viable to establish an all-Gaelic school, the authority must specify in the assessment the period within which the authority considers it would be reasonably practicable to do so. It must then take such steps to establish the school as are reasonably practicable. For example, the authority would need to formulate a proposal which would then be subject to the process set out in the Schools (Consultation) (Scotland) Act 2010.

105. Where the assessment is that it would be viable to establish an all-Gaelic school if certain circumstances occur, the authority must additionally include in the assessment details of what those circumstances are and how they will be kept under review. Reviews must be published. After the circumstances occur, the authority must take such steps to establish the school as are reasonably practicable.

106. Inserted section 13D gives the Scottish Ministers a power to direct an authority to take a step which is required to establish an all-Gaelic school if the authority has made a positive assessment of viability but failed to take such a step. Before making a direction, the Scottish Ministers must seek advice from Bòrd na Gàidhlig and HM Inspectors of Schools and consult the education authority.

107. Section 29(3) inserts a definition of "all-Gaelic school" into the 2016 Act. It is a school at which all of the education provided is Gaelic medium education, all other services related to the provision of education are delivered in Gaelic, and the use of any shared facilities is separate to the use of those facilities by another school.

Section 30: Duty to consult and plan on delivery of early learning and childcare

108. Section 30 amends section 50 of the Children and Young People (Scotland) Act 2014 so that an education authority is required to consult on whether, and if so how, it should make Gaelic medium early learning and childcare available.

Section 31: Conditions of grants to the Scottish Further and Higher Education Funding Council

109. Section 31 amends the Further and Higher Education (Scotland) Act 2005 to insert a new section 9E.

110. The Further and Higher Education (Scotland) Act 2005 establishes the Scottish Further and Higher Education Funding Council. Section 9 allows the Scottish Ministers to make grants to the Council subject to such terms and conditions as the Scottish Ministers consider appropriate. New section 9E provides that the Scottish Ministers may impose terms and conditions for the purpose of enabling, encouraging or increasing participation in fundable further education and fundable higher education in the Gaelic language and in Gaelic culture (as defined in subsection (2)). Section 5(1) and (2) of the Further and Higher Education (Scotland) Act 2005 defines fundable further education and section 5(3) defines fundable higher education.

111. Section 31(2) makes consequential amendments to add references to section 9E where there are other references to terms and conditions.

Section 32: Review of status of Sabhal Mòr Ostaig

112. Section 32 requires the Scottish Ministers to take such action as they consider appropriate to support the development of Sabhal Mòr Ostaig (that is, the body with company number SC361752) as the national centre for Gaelic language, education and culture in Scotland.

113. In exercising that duty, the Scottish Ministers must conduct a review of the status of Sabhal Mòr Ostaig within 1 year of subsection (4) coming into force. The review must in particular consider the funding of Sabhal Mòr Ostaig and whether it should be designated under section 44(1) of the Further and Higher Education (Scotland) Act 1992. That section allows the Scottish Ministers to designate any institution providing higher education. The review must also consider any other action that may be taken to support Sabhal Mòr Ostaig. Ministers must publish a report on the review and lay the report before the Scottish Parliament.

114. Before the completion of the review, the Scottish Ministers may take any action they consider appropriate to support the development of Sabhal Mòr Ostaig. Once the report on the review is published, the duty under subsection (1) to take action to support the development of Sabhal Mòr Ostaig is discharged by the Scottish Ministers taking the actions set out in the report.

Part 2: Scots

Chapter 1: Support for the Scots language

Section 33: Status of the Scots language

115. Section 33 provides for the status of the Scots language. The statement in subsection (1) that the Scots language has official status within Scotland is given legal effect by the provisions of the Act conferring functions on the Scottish Ministers and other persons (primarily relevant public authorities, as defined in section 36(3)).

116. Subsection (3) provides that subsection (1) does not affect the operation of any other enactment (as defined in the Interpretation and Legislative Reform (Scotland) Act 2010) or the status of any other language. For example, this provision does not affect the operation of the Equality Act 2010, modification of which is a reserved matter under the Scotland Act 1998.

Section 34: Scots language strategy

117. Section 34 requires the Scottish Ministers to prepare a Scots language strategy. The section sets out the required content of the Scots language strategy, consultation and publication requirements and timescales for its preparation and review and revision. In particular, the Scottish Ministers must publicise arrangements for making representations about the draft strategy and must publish the results of that consultation.

Section 35: Reporting on Scots language strategy

118. Section 35 requires the Scottish Ministers to report on the strategy as soon as reasonably practicable after the end of the period of 5 years from when the strategy was last published. The report must be published and laid before the Scottish Parliament.

Section 36: Effect of Scots language strategy

119. Section 36 requires that the Scottish Ministers must have regard to the strategy when making policies and exercising their functions, and that a relevant public authority must have regard to it in exercising its functions. Subsection (3) defines relevant public authority, consistent with the definition in section 10 of the 2005 Act (as amended by section 13 of the Act).

Section 37: Power for Scottish Ministers to give guidance

120. Section 37 gives the Scottish Ministers a power to give guidance to relevant public authorities relating to promoting, facilitating and supporting the use of the Scots language (including different dialects of the Scots language) and developing and encouraging Scots culture. The Scottish Ministers must consult interested persons in preparing the guidance. Such persons could include, for example, bodies such as Scots Hoose and Yaldi Books.

121. Subsection (5) defines Scots culture in an analogous way to the definition of Gaelic culture in section 10 of the 2005 Act.

Section 38: Financial assistance for the promotion etc. of the Scots language

122. Section 38 creates a power for the Scottish Ministers to give financial assistance, including grants and loans, to any person for the purposes of promoting, facilitating and supporting the use of the Scots language, subject to such conditions as the Scottish Ministers think fit.

Section 39: Scottish Ministers' powers relating to research etc.

123. Section 39 creates a power for the Scottish Ministers to conduct research and inquiries, collect data and publish statistics, provide training, or encourage or assist other persons to do those things, for the purposes of or in connection with the exercise of their functions under Part 2 Chapter 1.

Chapter 2: School education

Section 40: Scots language education in schools

124. Section 40 requires the Scottish Ministers to promote, facilitate and support Scots language education in schools. The Scottish Ministers must in particular promote, facilitate and support the provision of adequate education resources in Scots. This could include resources such as worksheets, reading books and other learning materials.

125. An education authority must also promote, facilitate and support Scots language education in the schools under its management. An education authority may discharge its duty through teaching and learning in the dialect of the Scots language most relevant to its area: for example, in the north east this could be provided in Doric.

Section 41: Guidance to education authorities relating to Scots language education

126. Section 41 gives the Scottish Ministers a power to give guidance to education authorities relating to Scots language education in schools. The Scottish Ministers must consult interested persons in preparing the guidance. Such persons could include, for example bodies such as Scots Hoose and Yaldi Books.

Section 42: Standards relating to Scots language education

127. Section 42 gives the Scottish Ministers power to make regulations to specify the standards and requirements to which an education authority must conform in discharging its functions in relation to Scots language education in the schools under its management. This is modelled on the power to prescribe standards and requirements in section 2 of the 1980 Act and the equivalent power in relation to Gaelic education created by section 16 of the Act. Unlike section 2 of the 1980 Act, the standards and requirements will not have to apply to every education authority, allowing for flexibility across different education authorities. The Scottish Ministers must consult interested persons in preparing the regulations.

128. Regulations under this section may make different provision for different purposes and different areas (including different parts of an education authority's area). Regulations are subject to the negative procedure.

Section 43: Production of school education resources in Scots

129. Section 43 requires the Scottish Ministers to consider whether to produce information, guidance or documents for use in school education in Scots where that material is produced in English. If an education authority requests a translation of such material, including material produced before the section comes into force, the Scottish Ministers must consider providing that.

130. The duty applies to material produced by the Scottish Ministers (with subsection (3) setting out in more detail what producing material means) which is used in the delivery of school education by teachers or is intended for use by pupils when doing their school work. This might include material relating to topics such as climate change, road safety, personal health and healthy eating which is for use in the context of the classroom.

Section 44: Review of adequacy of school education resources in Scots

131. Section 44 requires the Scottish Ministers to keep under review the adequacy of education resources in Scots for use in school education, and to prepare and publish reports setting out steps they consider necessary to address any issues identified by the review.

Section 45: Reporting on Scots language education

132. Section 45 requires the Scottish Ministers to secure the provision of reports (for instance from a third party provider) setting out progress made in the delivery of Scots language education in schools.

Section 46: Interpretation of Chapter 2

133. Section 46 imports defined terms from the 1980 Act for the purposes of this Chapter.

Part 3: Final provisions

Section 47: Ancillary provision

134. This section gives the Scottish Ministers a freestanding regulation-making power to make any incidental, supplementary, consequential, transitional, transitory or saving provision that they consider appropriate for the purposes of, or in connection with, or for giving full effect to, the Act.

135. Subsection (2) allows such regulations to modify any legislation, including the Act itself: in doing so the regulations would be subject to the affirmative Parliamentary procedure. Otherwise they are subject to the negative procedure.

Section 48: Commencement

136. Section 48 provides for Part 3 of the Act to come into force on the day after Royal Assent.

137. All other provisions of the Act are to come into force on a day appointed by regulations made by the Scottish Ministers. These regulations may make transitional, transitory or saving provision related to commencement and may make different provision for different purposes. These regulations are also required to be laid before the Parliament under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010, but they are not otherwise subject to any Parliamentary procedure.

Section 49: Short title

138. Section 49 provides for the short title to be the Scottish Languages Act 2025.

PARLIAMENTARY HISTORY

139. The following is a list of the proceedings in the Scottish Parliament on the Bill for the Act and significant documents connected to the Bill published by the Parliament during the Bill's parliamentary passage.

Proceedings and reports	***Reference***
Scottish Languages Bill as introduced – 29 November 2023	SP Bill 39 Scottish Languages Bill [as introduced] Session 6 (2023)
Explanatory Notes	SP Bill 39-EN Scottish Languages Bill [explanatory notes] Session 6 (2023)
Policy Memorandum	SP Bill 39-PM Scottish Languages Bill [policy memorandum] Session 6 (2023)
Financial Memorandum	SP Bill 39-FM Scottish Languages Bill [financial memorandum] Session 6 (2023)
Delegated Powers Memorandum	SP Bill 39-DPM Scottish Languages Bill [delegated powers memorandum] Session 6 (2023)
Stage 1	
Education, Children and Young People Committee, 1 May 2024	SP OR Education, Children and Young People Committee 1 May 2024
Education, Children and Young People Committee, 8 May 2024	SP OR Education, Children and Young People Committee 8 May 2024
Education, Children and Young People Committee, 15 May 2024	SP OR Education, Children and Young People Committee 15 May 2024
Education, Children and Young People Committee, 22 May 2024	SP OR Education, Children and Young People Committee 22 May 2024

Proceedings and reports	***Reference***
Education, Children and Young People Committee, Stage 1 Report on the Scottish Languages Bill, 24 July 2024	Education, Children and Young People Committee 5th report, 2024, Stage 1 Report on the Scottish Languages Bill (SPP Number 634)
Delegated Powers and Law Reform Committee, Report on delegated powers in the Scottish Languages Bill at Stage 1, 23 April 2024	Delegated Powers and Law Reform Committee 38th report, 2024, Delegated powers in the Scottish Languages Bill at Stage 1 (SPP Number 227)
Stage 1 Debate on the Bill, 17 September 2024	SP OR 17 September 2024
Stage 2	
Marshalled List of Amendments for Stage 2	SP Bill 39-ML Scottish Languages Bill [marshalled list of amendments for stage 2] Session 6 (2024)
Groupings of Amendments for Stage 2	SP Bill 39-G Scottish Languages Bill [groupings of amendments for stage 2] Session 6 (2024)
Education, Children and Young People Committee, 11 December 2024	SP OR Education, Children and Young People Committee 11 December 2024
Scottish Languages Bill as amended	SP Bill 39A Scottish Languages Bill [as amended] Session 6 (2024)
Supplementary Delegated Powers Memorandum	SP Bill 39A-DPM Scottish Languages Bill [supplementary delegated powers memorandum] Session 6 (2025)

Proceedings and reports	***Reference***
Supplementary Financial Memorandum	SP Bill 39A-FM Scottish Languages Bill [supplementary financial memorandum] Session 6 (2025)
Revised Explanatory Notes	SP Bill 39A-EN Scottish Languages Bill [revised explanatory notes] Session 6 (2025)
Delegated Powers and Law Reform Committee, Report on delegated powers in the Scottish Languages Bill (as amended at Stage 2), 26 February 2025	Delegated Powers and Law Reform Committee 14th report, 2025, Delegated powers in the Scottish Languages Bill (as amended at Stage 2) (SPP Number 228)
Stage 3	
Marshalled List of Amendments for Stage 3	SP Bill 39A-ML Scottish Languages Bill [marshalled list of amendments for stage 3] Session 6 (2025)
Timed Groupings of Amendments for Stage 3	SP Bill 39A-G Scottish Languages Bill [timed groupings of amendments for stage 3] Session 6 (2025)
Stage 3 consideration of amendments and debate, 17 June 2025	SP OR 17 June 2025
Scottish Languages Bill as passed	SP Bill 39B Scottish Languages Bill [as passed] Session 6 (2025)
Royal Assent – 31 July 2025	Scottish Languages Act 2025 (legislation.gov.uk)

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