

Review of the Official Languages Act 2003

Background to Official Languages Act

The primary objective of the Official Languages Act 2003 is to ensure the improved provision of public services through the Irish language. Notwithstanding the constitutional status of the Irish language as the first official language, the Act provides a statutory framework for the delivery by public bodies of services in Irish.

The Office of An Coimisinéir Teanga was established under the Act in 2004. The primary functions of the Office are to monitor compliance by public bodies with the provisions of the Act and to take appropriate measures to ensure such compliance.

The Act seeks to reflect the position of the Irish language in Article 8 of the Constitution, which states that: "*The Irish language as the national language is the first official language.*" The application and interpretation of this constitutional status assumed particular relevance following the 2001 decision of the Supreme Court in *Ó Beoláin v Fahy*. In essence, the Supreme Court found that the citizen has the right to conduct all business with public bodies through Irish. The Official Languages Act provides a framework for improvements in the delivery of public services through Irish over time so that the State's obligations can be met in a coherent manner which is commensurate with available resources.

The Act provides for the delivery of public services in Irish in three ways:

- through provisions of the Act which are applicable to all public bodies under the Act;
- through regulations made by the Minister for Arts, Heritage and the Gaeltacht which again are applicable to all public bodies under the Act; and
- through language schemes which are agreed with individual public bodies which provide for an increase over time in the number and standard of services provided in Irish by these individual public bodies.

Review of Official Languages Act

The Programme for Government contains the following commitment:

"We will review the Official Languages Act to ensure expenditure on the language is best targeted towards the development of the language and that obligations are imposed appropriately in response to demand from citizens."

Against this background, the objectives of the review are to ensure that the Act is an effective mechanism to support the development of the Irish language in an efficient and cost-effective manner and that the obligations arising from the Act are appropriate to ensure the satisfactory provision of services in Irish by public bodies, in line with public demand.

Terms of Reference

Having regard to the constitutional position of the Irish language, existing legislation, the policy objectives of the *20-Year Strategy for the Irish language 2010-2030*, and the relevant commitment in the Programme for Government, the review will:

- examine the provisions of the Official Languages Act to evaluate the effectiveness of the legislation in ensuring the provision of public services through Irish, in line with the demands of citizens who wish to conduct their official business in that language;
- consider if the provisions of the Act should be amended to ensure that the public services to be provided through Irish are those which are most in demand;
- consider if the objectives of the Act could be met by alternative or amended provisions which would ensure that expenditure arising from the legislation is cost-effective, particularly in the context of the present economic constraints;
- consider if the obligations placed on public bodies under the Act are appropriate, having regard to the foregoing and to the constitutional status of the Irish language;
- consider if the provisions of the Act should be amended to ensure that it better supports the preservation and promotion of Irish:
 - as the community language in Gaeltacht areas; and
 - as the language of choice of others throughout the State;
- consider if the language rights confirmed in the Act continue to be appropriate; and
- review the provisions setting down the role of the Office of An Coimisinéir Teanga.

In carrying out the review, regard will be had to best practice in terms of delivery of language services by public bodies in other jurisdictions. Following completion of the review, the Minister will consider the case for amending the legislation and will bring his views in that regard to Government.

Consultation Process

The review will be led by officials from the Department of Arts, Heritage and the Gaeltacht, who will consult with key stakeholders, including the Office of An Coimisinéir Teanga, Government Departments and other public bodies, Irish language and Gaeltacht organisations, and the public in general. The review may also draw on external expertise, including academic and international expertise, as appropriate.

The terms of reference for the review will be published on the Department's website www.ahg.gov.ie. Interested parties will be invited to make submissions in either Irish or English to the Department and to indicate whether they agree to their submissions being published on the Department's website.

In addition, the Department will publish a bilingual survey on its website to afford respondents the opportunity to indicate their views on the provision of public services in Irish.

Submissions should be sent in either Irish or English to maire.uichurraoin@ahg.gov.ie or to Máire Uí Churraoin, Department of Arts, Heritage and the Gaeltacht, Na Forbacha, Co. Galway **by 5.30 p.m. on 31 January 2012.**

If you have any queries, please contact Seán Ó Leidhinn on (091) 503700 or (091) 503763.

*Department of Arts, Heritage and the Gaeltacht
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