

Status: Point in time view as at 13/02/2006.

Changes to legislation: There are currently no known outstanding effects for the Gaelic Language (Scotland) Act 2005. (See end of Document for details)

SCHEDULE 1

(introduced by section 1(6))

BÒRD NA GÀIDHLIG

Status

- 1 The Bòrd—
- (a) is not to be regarded as the servant or agent of the Crown,
 - (b) does not enjoy any status, immunity or privilege of the Crown,
- and the Bòrd's property is not to be regarded as property of, or held on behalf of, the Crown.

Membership

- 2 (1) The Bòrd is to consist of—
- (a) no fewer than 5, nor more than 11, ordinary members, and
 - (b) a person whose function is to chair the Bòrd, (in this schedule referred to as the “Cathraiche”) who is to be an ex officio member,
- appointed by the Scottish Ministers.
- (2) The Scottish Ministers may by order amend sub-paragraph (1)(a) by substituting for the minimum or maximum number of ordinary members for the time being specified there such other number as they think fit.
- (3) The members and the Cathraiche are to be appointed for such period as the Scottish Ministers think fit.
- (4) Where the office of Cathraiche is vacant, the ordinary members must elect from amongst themselves a person to chair the Bòrd until an appointment is made under sub-paragraph (1)(b).
- (5) Each member—
- (a) may, by written notice to the Scottish Ministers, resign as a member,
 - (b) in other respects, holds and vacates office on such terms and conditions as the Scottish Ministers may determine.
- (6) The Scottish Ministers may, by written notice, remove a member from office if they are satisfied that—
- (a) the member's estate has been sequestrated or the member has been adjudged bankrupt, has made an arrangement with creditors or has granted a trust deed for creditors or a composition contract, or
 - (b) the member—
 - (i) is incapacitated as a result of physical or mental illness,
 - (ii) has been absent from meetings of the Bòrd for a period longer than 3 consecutive months without the permission of the Bòrd, or
 - (iii) is otherwise unfit or unable to discharge the member's functions as a member.
- 3 A person may not be appointed to or continue as a member of the Bòrd if that person is or (as the case may be) becomes—
- (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament, or

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- (c) a member of the European Parliament.

Remuneration and allowances

- 4 The Bòrd must pay the Cathraiche and the ordinary members such remuneration and allowances as the Scottish Ministers may determine.

Ceannard and other staff

- 5 (1) The Bòrd must, with the approval of the Scottish Ministers, appoint a person to the post of chief executive (“Ceannard”) on such terms and conditions as it may with the approval of the Scottish Ministers determine.
- (2) The Bòrd may appoint on such terms and conditions as it may with the approval of the Scottish Ministers determine such other employees as it considers appropriate.
- (3) The Bòrd must, as regards such of its employees as it may with the approval of the Scottish Ministers determine, make such arrangements as it considers appropriate for providing, to or in respect of those employees, pensions, allowances or gratuities.
- (4) Such arrangements—
- (a) may include the establishment and administration, by the Bòrd or otherwise, of one or more pension schemes, and
- (b) must, in any case, be approved by the Scottish Ministers.
- (5) The reference in sub-paragraph (3) to the provision of pensions, allowances or gratuities includes a reference to their provision by way of compensation for loss of office or employment or loss or diminution of emoluments.

Committees

- 6 (1) The Bòrd may establish committees for or in connection with such of its functions as it may determine.
- (2) The Bòrd may appoint persons who are not members of the Bòrd to be members of a committee.
- (3) A person appointed under sub-paragraph (2) is not entitled to vote at meetings of the committee.

Proceedings and meetings

- 7 (1) The Bòrd may determine its own procedure and that of its committees, including a quorum for meetings.
- (2) The validity of any proceedings of the Bòrd and of any committee established by it is not affected by any vacancy among its members or the members of the committee or by any defect in the appointment of any member of the Bòrd.
- (3) Members of the Scottish Executive, junior Scottish Ministers and persons authorised by the Scottish Ministers may attend and take part in meetings of the Bòrd and any committee established by it, but are not entitled to vote at such meetings.

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Accounts and annual report

- 8 The Bòrd must—
- (a) prepare for each financial year, in accordance with directions given by the Scottish Ministers, an account of the Bòrd's expenditure and receipts, and
 - (b) send the account, by such time as the Scottish Ministers may direct, to the Auditor General for Scotland for auditing.
- 9 As soon as practicable after the end of each financial year, the Bòrd must prepare a report on the exercise of its functions during that year and must—
- (a) publish the report and send a copy to the Scottish Ministers, and
 - (b) lay the report before the Parliament.

Delegation of functions by the Scottish Ministers

- 10 (1) The Scottish Ministers may make arrangements for any of their functions which relate to the subject matter of this Act to be exercised on their behalf, subject to such conditions as they may impose, by the Bòrd; and the Bòrd may exercise those functions accordingly.
- (2) An arrangement under sub-paragraph (1) does not affect the responsibility of the Scottish Ministers for the exercise of their functions.
- (3) In sub-paragraph (1), “functions” does not include the function of making, confirming or approving subordinate legislation.

General powers

- 11 (1) The Bòrd may do anything (whether in Scotland or elsewhere) which is conducive or incidental to the exercise of its functions, and may in particular—
- (a) engage in any business or undertaking,
 - (b) form, promote or acquire (whether alone or with others) companies (within the meaning of the Companies Act 1985 (c. 6)),
 - (c) form partnerships with others,
 - (d) with the consent of the Scottish Ministers, establish or take part in the setting up of organisations having functions similar to the functions of the Bòrd,
 - (e) enter into contracts,
 - (f) make grants and loans,
 - (g) make charges for the provision of advice or other services in such circumstances and of such amounts as the Bòrd may, with the consent of the Scottish Ministers, determine,
 - (h) accept gifts of money or other property,
 - (i) invest sums not immediately required in relation to the exercise of its functions,
 - (j) commission research.
- (2) Sub-paragraph (1)(g) does not entitle the Bòrd to make charges for the provision of advice and assistance to relevant public authorities under section 8(9).

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Grants

- 12 (1) The Scottish Ministers may make grants to the Bòrd for such purposes and of such amounts as they think fit.
- (2) Any grant made under sub-paragraph (1) may be made subject to such conditions as the Scottish Ministers think fit.
- (3) The Bòrd does not have power to borrow money or to give guarantees.

SCHEDULE 2

(introduced by section 12)

CONSEQUENTIAL AMENDMENTS

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 1 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (devolved public bodies) insert at the appropriate place “ Bòrd na Gàidhlig ”.

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 2 In Part 2 of schedule 2 to the Scottish Public Services Ombudsman Act 2002 (listed authorities amendable by Order in Council) insert at the appropriate place “ Bòrd na Gàidhlig ”.

Freedom of Information (Scotland) Act 2002 (asp 13)

- 3 In Part 7 of schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities subject to the duty to provide certain information) insert at the appropriate place
 “Bòrd na Gàidhlig”.

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 4 In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (authorities appointments to which are governed by a code of practice) under the heading “Executive bodies” insert at the appropriate place “ Bòrd na Gàidhlig ”.

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