



# Gaelic Language (Scotland) Act 2005

## 2005 asp 7

### *Gaelic language plans*

#### **4 Review of, and appeal against, notices**

- (1) Where a relevant public authority receives a notice under subsection (1) of section 3 and considers that the date specified in it by virtue of subsection (2)(b) of that section is unreasonable, it may within 28 days of receipt of the notice request the Bòrd to review the date.
- (2) A request under subsection (1) must set out the authority's reasons for its view.
- (3) The Bòrd must within 28 days of receipt of the request review the date and—
  - (a) confirm the date, or
  - (b) substitute a later date (in which case that date is deemed to be the date specified in the notice by virtue of section 3(2)(b)).
- (4) In intimating to the authority its decision under subsection (3) the Bòrd must, if the decision is to confirm the date, set out its reasons for the decision.
- (5) If the authority is aggrieved by the Bòrd's decision under subsection (3), it may, within 28 days of receiving intimation of the decision, appeal to the Scottish Ministers.
- (6) The Scottish Ministers must determine an appeal under subsection (5) no later than 2 months after the date on which the appeal was made.
- (7) If the Scottish Ministers uphold an appeal under subsection (5) they must specify another date by which the authority must submit a Gaelic language plan to the Bòrd.
- (8) Where a relevant public authority receives a notice under subsection (1) of section 3 it may, within 28 days of such receipt, appeal to the Scottish Ministers against the notice on the grounds that, having regard to the matters specified in subsection (3)(a) to (d) of that section, the Bòrd's decision to give the notice to the authority was unreasonable.
- (9) The Scottish Ministers must determine an appeal under subsection (8) no later than 6 months after the date on which the appeal was made.
- (10) If the Scottish Ministers uphold an appeal under subsection (8)—
  - (a) the notice ceases to have effect, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the Bòrd may not give a further notice under section 3(1) to the authority until the expiry of the period of 2 years beginning with the date on which the notice to which the appeal relates was given.