British Sign Language (Scotland) Act 2015

2015 asp 11

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 17 September 2015 and received Royal Assent on 22 October 2015

An Act of the Scottish Parliament to promote the use of British Sign Language including by making provision for the preparation and publication of national plans in relation to British Sign Language and by requiring certain authorities to prepare and publish their own British Sign Language plans in connection with the exercise of their functions; and to provide for the manner in which such plans are to be prepared and for their review and updating.

1 Functions of the Scottish Ministers in relation to British Sign Language

(1) The Scottish Ministers are to promote, and facilitate the promotion of, the use and understanding of the language known as British Sign Language (see section 5).

(2) In furtherance of that duty, the Scottish Ministers are to prepare, lay before the Scottish Parliament and publish national plans in relation to British Sign Language in accordance with this section (such a plan being in this Act referred to as a "National Plan").

(3) A National Plan is—

(a) to set out the strategy of the Scottish Ministers in relation to the promotion, and facilitation of promotion, mentioned in subsection (1), and

(b) to set out what the Scottish Ministers consider that relevant public authorities (see section 7) should or could do to promote, and facilitate the promotion of, the use and understanding of British Sign Language within their areas of responsibility.

(4) A National Plan may include such other material in relation to British Sign Language as the Scottish Ministers consider appropriate.

(5) The first National Plan is to be laid before the Scottish Parliament within the period of 2 years beginning with the date on which this Act comes into force.

(6) National Plans are then to be laid before the Scottish Parliament at intervals of no more than 6 years since the laying of the most recent such plan.

(7) As soon as reasonably practicable after laying a National Plan before the Scottish Parliament, the Scottish Ministers are to publish the plan.

(8) The requirement which this section imposes to publish a National Plan includes (but is not satisfied by) making the content of the plan publicly available, in such form and manner as the Scottish Ministers consider appropriate, in British Sign Language.

(9) In preparing a National Plan the Scottish Ministers are—
- (a) to have regard to the most recently published report under section 4,
- (b) to publish, and consult on, a draft of the plan, and
- (c) to take into account any representations received by them by virtue of such consultation.

(10) Subsection (9)(a) does not apply in relation to a National Plan prepared before the publication of the first report under section 4.

(11) The persons consulted under subsection (9)(b) are to be those who, the Scottish Ministers consider, are likely to be directly affected by the National Plan or otherwise to have an interest in that plan and in particular are to include—
- (a) persons who use British Sign Language, and
- (b) persons who represent users of British Sign Language.

(12) In determining the form and manner of consultation for the purpose of subsection (9)(b), the Scottish Ministers are to have regard to the need to make that consultation accessible to persons who use British Sign Language and who are deaf, or deafblind.

2 Listed authorities' British Sign Language plans

(1) Each listed authority (see section 6) is to prepare and publish plans in relation to British Sign Language in accordance with this section and section 3 (such a plan being in this Act referred to as an “Authority Plan”).

(2) An Authority Plan is—
- (a) to set out measures to be taken by the listed authority in relation to the use of British Sign Language in connection with the exercise of the authority's functions,
- (b) to set out timescales by reference to which any such measures are to be taken,
- (c) where the listed authority has previously published at least one Authority Plan, to state how, when and to what extent measures to be taken by the authority by virtue of the most recently published such plan were taken, and
- (d) to contain such other information (if any) as the Scottish Ministers may by order require.

(3) A listed authority, in preparing an Authority Plan—
- (a) is to try to achieve consistency between that plan and the most recently published National Plan, and
- (b) is to have regard—
  - (i) to the extent to which the authority's functions are exercisable using British Sign Language,
  - (ii) to the potential for developing the use of British Sign Language in connection with the exercise of those functions,

(iii) to any representations made to the authority in relation to using British Sign Language in that connection,

(iv) to the most recently published report under section 4, and

(v) to such guidance, relevant to the preparation (or revision) of Authority Plans, as may be issued by the Scottish Ministers.

(4) Subsection (3)(b)(iv) does not apply in relation to an Authority Plan prepared before the publication of the first report under section 4.

(5) In preparing an Authority Plan a listed authority is—

(a) to publish, and consult on, a draft of the plan, and

(b) to take into account any representations received by it by virtue of such consultation.

(6) The persons consulted under subsection (5)(a) are to be those who, the authority considers, are likely to be directly affected by the Authority Plan or otherwise to have an interest in that plan and in particular are to include—

(a) persons who use British Sign Language, and

(b) persons who represent users of British Sign Language.

(7) In determining the form and manner of consultation for the purpose of subsection (5)(a), a listed authority is to have regard to the need to make that consultation accessible to persons who use British Sign Language and who are deaf, or deafblind.

(8) A listed authority may revise its most recently published Authority Plan at any time.

(9) Subsection (3) applies in relation to the revision of an Authority Plan as that subsection applies in relation to the preparation of such a plan.

(10) An order under subsection (2)(d) is subject to the negative procedure.

3 Publication by listed authority

(1) A listed authority's first Authority Plan is to be published as soon as reasonably practicable after (and in any event no later than 12 months after) the publication of the first applicable National Plan.

(2) A subsequent Authority Plan of the listed authority is to be published as soon as is reasonably practicable after (and in any event no later than 6 months after) each National Plan subsequent to the first applicable National Plan.

(3) For the purpose of subsections (1) and (2), the “first applicable National Plan” is—

(a) where the authority is a listed authority on the date on which this Act comes into force, or becomes a listed authority before the publication of the first National Plan, the first National Plan,

(b) where the authority becomes a listed authority after the publication of the first National Plan, the most recently published National Plan when the authority becomes a listed authority.

(4) Subsections (1) to (3) are subject, in the case of an authority which becomes a listed authority after the date on which this Act comes into force, to section 6(3).

(5) As soon as reasonably practicable after a listed authority has revised an Authority Plan, the authority is to publish that plan in a form in which the changes made are clearly indicated.

(6) Subject to subsection (7), publication under this section is to be in such manner as the authority considers appropriate.

(7) In publishing an Authority Plan (or a revised Authority Plan) under this section, a listed authority is to have regard to any guidance issued for the purposes of this section by the Scottish Ministers.

(8) A requirement which this section imposes to publish an Authority Plan includes (but is not satisfied by) making the content of the plan publicly available, in such form and manner as the listed authority publishing it considers appropriate, in British Sign Language.

(9) A requirement which this section imposes to publish a revised Authority Plan includes (but is not satisfied by) making the content of the plan, and an explanation of the changes it contains, publicly available, in such form and manner as the listed authority publishing it considers appropriate, in British Sign Language.

4 Progress reports

(1) The Scottish Ministers are to prepare, lay before the Scottish Parliament and publish progress reports in relation to British Sign Language in accordance with this section.

(2) A report under this section is—
- (a) to set out the Scottish Ministers' views as to progress made in relation to the promotion, and facilitation of promotion, mentioned in section 1(1), and
- (b) to set out the Scottish Ministers' views as to progress made by relevant public authorities, generally, in relation to the promotion, and facilitation of promotion, of the use and understanding of British Sign Language within their areas of responsibility.

(3) The first such report is—
- (a) to be laid before the Scottish Parliament within the period of 3 years beginning with the date on which the first National Plan is published, and
- (b) to relate to progress in the period from that date.

(4) Such reports are then—
- (a) to be laid before the Scottish Parliament at intervals of no more than 6 years since the laying of the most recent such report, and
- (b) to relate to progress in the period from the laying of the most recent report.

(5) A report under this section is to include, by reference to relevant plans—
- (a) an account of measures taken and outcomes attained,
- (b) examples of best practice, and
- (c) examples, if there are any, of poor performance.

(6) For the purpose of subsection (5), “relevant plans” are—
- (a) in relation to the first report under this section—
  - (i) the first National Plan,
  - (ii) any National Plan published subsequently, and
  - (iii) any Authority Plan of a listed authority published since the date on which the first National Plan was published,
- (b) in relation to a subsequent report under this section—

(i) the National Plan which was the most recently published when the last report under this section was laid before the Scottish Parliament,

(ii) any National Plan published subsequently,

(iii) the Authority Plans of listed authorities which were the most recently published by those authorities when the last report under this section was laid before the Scottish Parliament, and

(iv) any Authority Plan of a listed authority published subsequently.

(7) As soon as reasonably practicable after laying a report under this section before the Scottish Parliament, the Scottish Ministers are to publish the report.

(8) The requirement which this section imposes to publish a report under this section includes (but is not satisfied by) making the content of the report publicly available, in such form and manner as the Scottish Ministers consider appropriate, in British Sign Language.

5 Forms of British Sign Language

(1) References in this Act to British Sign Language are, subject to subsection (2), to both the visual form of British Sign Language and to the tactile form of British Sign Language used and understood by some deafblind people.

(2) The references to British Sign Language in sections 1(8), 3(8) and (9) and 4(8) are to the visual form of British Sign Language only.

6 Listed authorities

(1) In this Act, any reference to a "listed authority" is to a public authority for the time being listed, or within a description for the time being listed, in the schedule.

(2) The Scottish Ministers may by order modify the schedule—

(a) by adding a relevant public authority, or description of relevant public authorities, to the list of authorities in the schedule,

(b) by removing a relevant public authority, or description of relevant public authorities, from that list, or

(c) by modifying an entry in that list.

(3) An order under subsection (2)(a) may provide that, in relation to an authority which becomes a listed authority by virtue of the order, a different National Plan to that provided for by subsection (3)(b) of section 3 is to be the first applicable National Plan for the purposes of subsections (1) and (2) of that section.

(4) An order under subsection (2) is subject to the affirmative procedure.

7 Interpretation

(1) In this Act—

"Authority Plan" has the meaning given by section 2(1),

"National Plan" has the meaning given by section 1(2),

"relevant public authority" means any body, or any holder of an office, which is a Scottish public authority with mixed functions or no reserved functions (subject to subsection (3)).

(2) The reference in subsection (1) to a Scottish public authority with mixed functions or no reserved functions is to be construed in accordance with paragraphs 1(4) and 2 of Part 3 of Schedule 5 to the Scotland Act 1998.

(3) The Scottish Ministers are not a relevant public authority for the purposes of this Act.

8 Commencement

This Act comes into force on the day after Royal Assent.

9 Short title

The short title of this Act is the British Sign Language (Scotland) Act 2015.

Changes to legislation: *There are currently no known outstanding effects for the British Sign Language (Scotland) Act 2015. (See end of Document for details)*

SCHEDULE

(introduced by section 6(1))

LISTED AUTHORITIES

Audit Scotland.

The Commissioner for Children and Young People in Scotland.

The Commissioner for Ethical Standards in Public Life in Scotland.

A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

A Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978.

The Office of the Scottish Charity Regulator.

The Police Investigations and Review Commissioner.

A body which is a "post-16 education body" for the purposes of the Further and Higher Education (Scotland) Act 2005.

The Scottish Commission for Human Rights.

The Scottish Courts and Tribunals Service.

The Scottish Housing Regulator.

The Scottish Information Commissioner.

The Scottish Parliamentary Corporate Body.

The Scottish Public Services Ombudsman.

The Standards Commission for Scotland.

Changes to legislation:
There are currently no known outstanding effects for the British Sign Language (Scotland) Act 2015.