

# OFFICIAL LANGUAGES ACT 2003

## Guidebook





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An Coimisinéir Teanga  
An Spidéal  
Co. na Gaillimhe

Phone: (091) 504006  
Fax: (091) 504036  
eolas@coimisineir.ie

Lo-call:  
1890-504-006  
www.coimisineir.ie



## Foreword

This Guidebook is published by the Office of An Coimisinéir Teanga to assist the public regarding their language rights and to provide advice to public bodies regarding their duties under the Official Languages Act.

We hope that this bilingual Guidebook will be useful. Please note, however, that it is not a comprehensive legal interpretation of the Act and consequently it should not be taken as legal advice.

This Guidebook and further information can be found at [www.coimisineir.ie](http://www.coimisineir.ie).

## Background

The status of the Irish language is set out in the Irish Constitution. Article 8 of the Constitution states:

1. The Irish language as the national language is the first official language.
2. The English language is recognised as a second official language.
3. Provision may, however, be made by law for the exclusive use of either of the said languages for any one or more official purposes, either throughout the State or in any part thereof.

On 14 July 2003, the President signed the Official Languages Act 2003 into law and the provisions of the Act were gradually brought into force over a three-year period. This was the first time the provision of services in general through Irish by the state system was placed on a statutory footing.



The aim of the Official Languages Act 2003 is to increase and improve in an organised manner over a period of time the quantity and quality of services provided for the public through Irish by public bodies.<sup>1</sup> The legislation intends to create a space for the language in public affairs in Ireland.

The Office of An Coimisinéir Teanga was established under the Official Languages Act as an independent statutory office operating as an ombudsman's service and as a compliance agency.

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<sup>1</sup>Public bodies in this instance mean government departments, offices and other state agencies specified under the Official Languages Act as revised by any appropriate Statutory Instrument.



## General Guide to the Act

# General Guide to the Act

**The Official Languages Act 2003 sets out the duties of public bodies regarding the provision of services in Irish and the rights of the public to avail of those services. The Act is available at [www.coimisineir.ie](http://www.coimisineir.ie)**

### **Purpose of the Act**

The long title explains the purpose of the Act. The general purpose of the Act is to promote the use of Irish for official purposes in the state, to set out the duties of public bodies in relation to the official languages<sup>2</sup> of the state and to establish the Office of An Coimisinéir Teanga.

### **Part 1: Sections 1 - 4: Introduction & Definitions:**

General information is provided here on the application of the Act as well as definitions of terms used in the Act.

### **Part 2: Sections 5 - 8: Houses of the Oireachtas, Acts of the Oireachtas and the Courts:**

Part 2 of the Act gives members of the public the right to use their choice of official language in the Houses of the Oireachtas and before the courts. Anyone has the right to be heard in the official language of his or her choice. Every court has a duty to ensure that no one will be placed at a disadvantage by choosing one official language rather than the other.

With regard to Acts of the Oireachtas, Section 7 states that it is necessary to publish every Act simultaneously in the two official languages as soon as is possible after its enactment. In accordance with the Houses of the Oireachtas Commission

(Amendment) Act 2006, Section 3(2)(a), the Houses of the Oireachtas Commission has a duty to provide translation services from one official language to the other official language in the case of Acts of the Oireachtas.

### **Part 3: Section 9: Communication with public bodies:**

The direct provisions of Section 9 of the Act and the Regulations made under Section 9 deal with the duties of public bodies to enable people to communicate with the state in either official language. Under the Regulations (S.I. No. 391 of 2008), public bodies have a duty to ensure that their stationery, signage and recorded oral announcements are provided in Irish only, or in English and Irish, in accordance with specific criteria set out in the Regulations.

The Act directly provides that public bodies have a duty to reply to communications, in writing or by electronic mail, in the official language in which the communication was received. Public bodies also have a duty under the Act to ensure that any information (mail shots) provided to the public in general or to a class of the public in general, through the post or electronically, will be in Irish only or in English and Irish.

### **Part 3: Section 10: Publications:**

The direct provisions of Section 10 of the Act deal with the duties of public bodies to publish certain documents simultaneously in both official languages, for example documents containing public policy proposals, annual reports, financial statements and specific strategy statements.

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<sup>2</sup>“Official languages” means Irish and English as specified in the Irish Constitution (Section 8).

## **Part 3: Sections 11 - 18: Language Schemes:**

Sections 11 - 18 outline the process under which language schemes are agreed with public bodies. The Minister for Community, Equality and Gaeltacht Affairs is responsible for agreeing schemes with public bodies. The schemes provide statutory commitments regarding the arrangements whereby public bodies develop their services through Irish on a phased basis.

When the Minister has agreed a scheme, the public body has a duty to implement it. The Minister sends a copy of every agreed scheme to the Office of An Coimisinéir Teanga which monitors the implementation of schemes.

## **Part 4: Sections 20 - 30: An Coimisinéir Teanga:**

Part 4 of the Act provides information on the role, functions and powers of An Coimisinéir Teanga. It also outlines the investigation process which is implemented if it appears that a provision of the Official Languages Act or of any other enactment relating to the Irish language has been contravened.

## **Part 5: Sections 31 - 35: Placenames:**

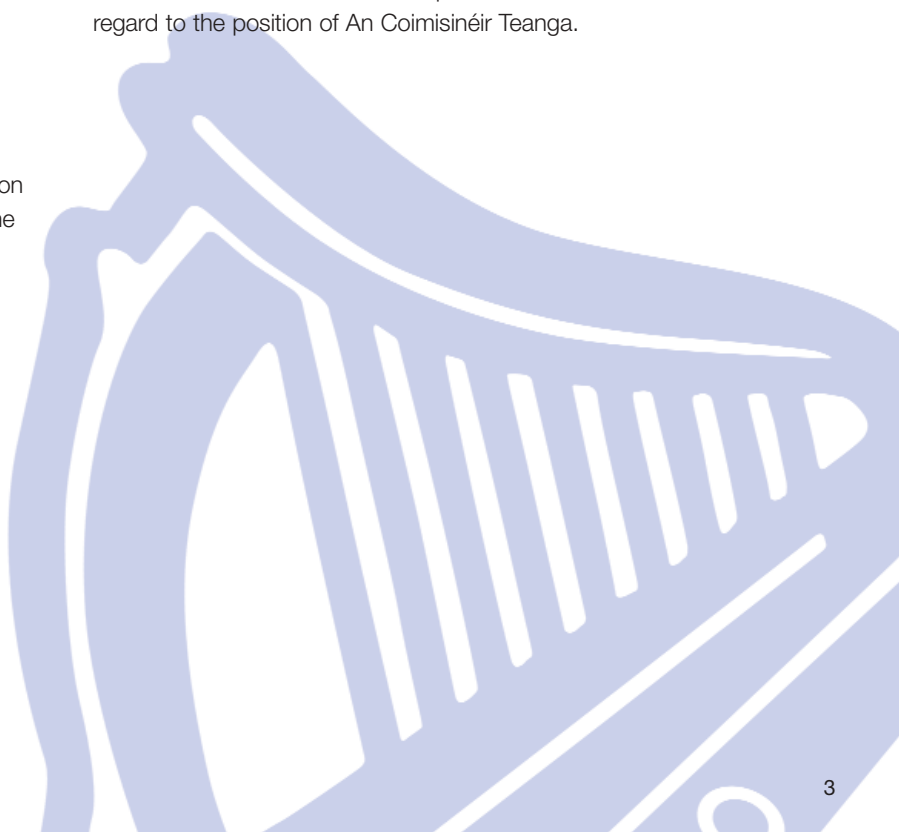
Part 5 of the Act contains the provisions regarding the use of placenames, both in the Gaeltacht and throughout the country. The Placenames Orders are available at [www.coimisineir.ie](http://www.coimisineir.ie).

## **Schedule 1:**

The First Schedule to the Act provides a list of the public bodies which came under the legislation when it was enacted in 2003. Additional public bodies were brought under the Official Languages Act 2003 as a result of S.I. No. 150 of 2006. This Statutory Instrument also deleted from the First Schedule the names of public bodies no longer in existence. A full list of the bodies which currently come under the legislation is available at [www.coimisineir.ie](http://www.coimisineir.ie).

## **Schedule 2:**

The Second Schedule to the Act provides information with regard to the position of An Coimisinéir Teanga.



# Public Bodies

**A list of the public bodies which come under the aegis of the Act is provided in the First Schedule to the Act as amended by any appropriate order made by the Minister for Community, Equality and Gaeltacht Affairs.**

### Included in the list of public bodies are:

- Government departments and offices;
- Local authorities;
- Health Service Executive;
- Universities, other third-level institutions and vocational education committees;
- Agencies, boards and state companies (commercial and non-commercial).

The Minister for Community, Equality and Gaeltacht Affairs may, in conjunction with other appropriate Ministers, amend, by way of regulations, the list of public bodies by the insertion or deletion of a reference to any public body.

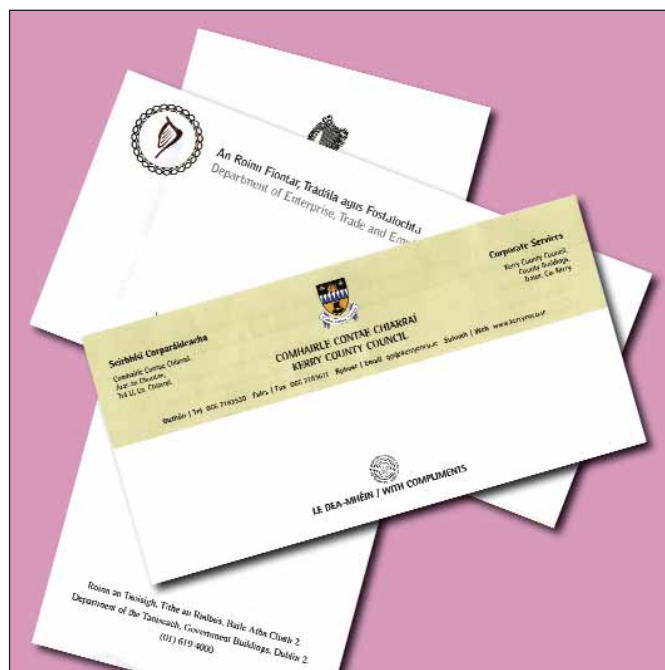
Private entities do not, in general, come under the aegis of the Official Languages Act.

The following bodies, organisations or groups may be identified as public bodies for the purposes of the Act if prescribed by the Minister:

- A body, organisation or group that receives 50% or more of its current expenditure directly from a Government Minister, a Government Department, the Central Fund or a public body under the Act.

- A body, organisation or group that was a public body when the Act came into operation but subsequently came under private ownership or control.
- A body, organisation or group performing functions which previously were vested in a body, organisation or group under public ownership or control.
- Any other body, organisation or group with functions conferred or permitted by any enactment or by any licence or authority given under any enactment in relation to the public in general or a class of the public in general.

A full list of the public bodies which currently come under the aegis of the Act is available at [www.coimisineir.ie](http://www.coimisineir.ie).



## Communications

**The aim of the Official Languages Act is to promote the use of Irish in public affairs and to ensure the use of Irish by public bodies when communicating with the public and/or providing services to the public.**

Public bodies communicate with the public in many ways including letters, emails, mail shots, information leaflets, reports, announcements and websites. In the case of each of these, public bodies have specific duties under the Official Languages Act.

### **Stationery, signage and recorded oral announcements**

In accordance with the Regulations under Section 9(1) of the Act, public bodies have a duty to ensure that their:

- stationery (notepaper, compliment slips, fax cover sheets, file covers and other folders, labels and envelopes),
- signage and
- recorded oral announcements

are provided in Irish or bilingually by specific dates set out under the Regulations.

It is not sufficient for public bodies to provide recorded oral announcements, new stationery and/or new signage in English only after the appropriate dates set out in these Regulations. They must either be provided in Irish only or in Irish and English.

### **Letters and emails in Irish**

When a person writes to a public body in Irish, by letter or by email, that person is entitled to receive a reply in Irish. On this basis, public bodies have a duty to ensure that they have a system in place to deal with correspondence in Irish. The service in Irish should not be of a lower standard than the service in English.



### Investigation

*An investigation under the Act made clear that a public body had contravened its statutory duty by replying in English to a communication in Irish. In this case, an external company was acting on behalf of the public body. The external company had replied to the communication in Irish with an automated, electronic answer in English.*

### **Circulating information to the public in general / Mail shots – Section 9(3)**

Public bodies have a duty to ensure that any information in writing sent to the public in general, or to a class of the public in general, is in Irish only or in English and Irish.

Sometimes public bodies have difficulties deciding whether a particular communication comes under Section 9(3) of the Official Languages Act. Section 9(3) should be read in the context of Section 9 as a whole and the purposes of the Act as stated in the long title - “An Act to promote the use of the Irish language for official purposes in the state....in communicating with or providing services to the public and in carrying out the work of public bodies...”.

Section 9(1) relates to the making of regulations with regard to the use of Irish in signage, stationery, recorded oral announcements etc. Section 9(2) relates to replying to any written communication initiated by members of the public with public bodies. Section 9(3) relates to particular communications initiated by public bodies under the Act in specific circumstances. Because of the wide variety of communications issued by public bodies, it is clear that each case must be considered on its own merits.

**There are four particular aspects to Section 9(3) and any communication which a public body proposes with the general public or with a class of the general public should be assessed under these criteria to decide whether the proposed communication comes under this Section.**

**These are the criteria:**

- Is the communication from a **public body** under the Act?
- Is the communication **by post or by email**?
- Is the aim of the communication to **provide information**?
- Is the communication with **the general public or with a class of the general public**?

If the communication proposed by the public body satisfies each of these criteria, it would appear that it comes under the provisions of Section 9(3) and it should be issued in Irish or bilingually.

If the proposed communication fails to satisfy any one or more than one of these criteria, it would appear not to be included under Section 9(3).

As the specific aim of communications under Section 9(3) must be to “provide information”, each method of communication must be assessed on its own merits taking the purpose of the communication into account.

The Act does not specifically define the concepts “providing information”, “the general public” or “a class of the general public”. Consequently, the usual meaning considered to have been intended by the Oireachtas must be applied to those words.

Public bodies are advised to use the criteria listed above and in cases where they are still in doubt with regard to proposed communications, they should proactively raise the matter with their own legal advisors independently of the Office of An Coimisinéir Teanga.

In addition to independent legal advice, public bodies are also advised to seek the opinion of the Office of An Coimisinéir Teanga. For example, if the public body’s legal advisors maintained that some communication did not come under Section 9(3) for a particular reason, the viewpoint of the Office of An Coimisinéir Teanga could then be sought.

Generally, if a public body is in doubt as to whether or not a particular communication comes under Section 9(3), the view of the Office of An Coimisinéir Teanga is that the bilingual approach should be taken, considering the aims of the Act.

**The Office of An Coimisinéir Teanga does not provide public bodies with legal advice with regard to interpreting the Official Languages Act. However, advice is provided “to public bodies with regard to their obligations under the Act...”.**



### Investigation

*An investigation showed that a public body had contravened Section 9(3) of the Act by distributing information to the general public through circulating 1.7 million booklets in English by post throughout the country and under 30,000 copies in Irish in particular Gaeltacht areas.*



### Telephone services, information leaflets, press releases and websites

Apart from the aforementioned means of communication, public bodies have many other ways of contacting their customers, for example through telephone services, information leaflets, press releases and websites. Agreement is reached with public bodies regarding the provision of such services in Irish as part of language schemes ratified under the Official Languages Act.

Since the Act does not impose specific duties directly on public bodies with regard to the provision of telephone services, information leaflets, press releases and websites in Irish, the provision of these services depends on what is agreed in the relevant language scheme, if such a scheme exists. Although all schemes share certain common elements, there are also substantial differences between them. Consequently, it is necessary to look at each scheme separately to see what services a particular public body provides in Irish, in addition to the services it is obliged to provide directly under the Act.

Examples of these services can be seen in the language schemes agreed to date which are available at [www.coimisineir.ie](http://www.coimisineir.ie). You should note that the Department of Community, Equality and Gaeltacht Affairs continues to agree language schemes with public bodies on an ongoing basis. The Office of An Coimisinéir Teanga monitors the provision of services as promised by public bodies under the agreed schemes.



# Publications

**Under Section 10 of the Act, public bodies have a duty to publish certain core documents simultaneously in Irish and English including:**

- Any document setting out public policy proposals;
- Any annual report;
- Any audited accounts or financial statement;
- Any statement of strategy prepared under Section 5 of the Public Service Management Act 1997;
- Any document that has been appropriately prescribed as being of major public importance.

Section 10 of the Official Languages Act 2003 has the effect of amending the provisions of other enactments. The beginning of Section 10 states that this section has effect “Notwithstanding any other enactment....”.

### Public policy proposals

Public bodies have a duty to publish any document setting out public policy proposals *simultaneously* in each of the official languages.

It is evident that Section 10(a) includes such documents as:

- White papers and green papers issued by Government Departments;
- Local authority draft development plans;
- Any other public policy document which is published and which sets out proposals in relation to public policy.

When a public body is deciding whether a document comes under this heading and whether, as a result, it must be published bilingually, the following questions should be addressed:

- a) Is the document made by or under the authority of a public body which comes under the Official Languages Act?
- b) Is the document to be published? As the word “published” is not defined in the legislation, it takes its usual meaning. In other words, will the document be made available to the public?
- c) Does the document contain “public policy proposals?” Again these words are not defined in the Act and, accordingly, they take their usual meaning. It appears that consultation documents, in which public policy proposals are presented for consideration with the possibility that they may or may not be implemented, are included among such documents. These documents include but are not limited to white and green papers as well as local authority draft development plans.

If the document satisfies these three aforementioned criteria, it would appear to come under the terms of Section 10(a) of the Act and it is necessary to publish it simultaneously in both official languages.

If the document fails to satisfy any one of these three aforementioned criteria, it would appear not to come under the terms of Section 10(a) of the Act. Consequently, there would be no statutory duty to publish it simultaneously in both official languages under this sub-section of the Act.



## Investigation

*An investigation conducted by An Coimisinéir Teanga decided that a Government Department had contravened the language duty under Section 10(a) of the Act by publishing a green paper containing “public policy proposals” in English only without simultaneously providing the Irish version.*

## Annual reports

Public bodies must publish annual reports simultaneously in both official languages.

- This provision means that the Irish and English versions should be within the same cover or in two separate volumes of equal standard.
- Simultaneously means that the two versions, if they exist, should be available *at the same time*.

It is not sufficient to provide a printed version in English and an electronic version in Irish. An electronic version in Irish is sufficient, however, if the English version is also in electronic format only.

## Audited accounts or financial statements

A public body must publish audited accounts or financial statements *simultaneously* in both official languages. The aforementioned criteria which apply to the publication of annual reports also apply to audited accounts and financial statements.

## Strategy statements

A public body must publish any strategy statement, prepared under Section 5 of the Public Service Management Act 1997, *simultaneously* in both official languages.

This duty does not apply to strategy statements in general but only to those statements prepared as a result of an obligation under the Public Service Management Act.

## Any prescribed document

A public body must publish any document of major public importance prescribed by the Minister for Community, Equality and Gaeltacht Affairs (in conjunction with other Ministers, if appropriate) simultaneously in both official languages. The Minister had not prescribed any such documents when this edition of this Guidebook was published.

## Accredited Panel of Translators

Foras na Gaeilge established a panel of accredited translators in 2006. This official panel ensures that public bodies can access a list of translators in the knowledge that they can have full confidence in their ability and in their quality of work. Contact details for the accredited translators can be found on the website of Foras na Gaeilge [www.gaeilge.ie](http://www.gaeilge.ie).

# Stationery<sup>3</sup>

**Public bodies have a duty to ensure that the headings on particular stationery items are in Irish or bilingual.**

**What stationery must be available in Irish or bilingually?**

- a) Notepaper;
- b) Compliment slips;
- c) Fax cover sheets;
- d) File covers and other folders;
- e) Labels;
- f) Envelopes.

**What are the key dates for implementation of the Regulations with regard to stationery?**

**1 March 2009**

except in the following cases:

For stationery already in the public body's possession on 1 March 2009, the deadline for implementation of the Regulations is:

**1 March 2011.**

For stationery requiring a computer programme change to provide the stationery in Irish, the deadline is:

**1 March 2013.**

**If bilingual text is chosen (instead of text in Irish only) what are the Regulations regarding stationery?<sup>4</sup>**

- a) The text in Irish shall appear first.
- b) The text in Irish shall be as prominent, visible and legible as the text in English and shall appear on the same side of the page concerned.
- c) The letters in the text in Irish shall not be smaller in size than the letters in the text in English.
- d) The text in Irish shall communicate the same information as the text in English.
- e) A word in the text in Irish shall not be abbreviated unless the word in the text in English, of which it is the translation, is also abbreviated.
- f) If there is a Placenames Order under Section 32 of the Act in force, a public body must use the official Irish language version specified in the Order in its stationery headings. The Placenames Orders<sup>5</sup> are available at [www.coimisineir.ie](http://www.coimisineir.ie).

### Database of Public Service Terminology

A database has been developed by Foras na Gaeilge to provide a wide range of basic terminology which should prove helpful to public bodies in complying with the regulations in relation to the use of Irish on signage and stationery. You can search the database by language, by category (alphabetically), or you can search the entire database for an individual term using the search engine. The terms are provided in the form of classified lists relating to various areas of the public service and further areas and terms will be gradually added to the database.

The terminology database can be accessed at [www.gaeilge.ie](http://www.gaeilge.ie).

<sup>3</sup>Section 5 of Regulations (S.I. No. 391 of 2008)

<sup>4</sup>Section 7 of Regulations (S.I. No. 391 of 2008)

<sup>5</sup>“Placename” includes the name of any province, county, city, town, village, barony, parish or townland or of any territorial feature (whether natural or artificial), district, region or place, as shown in the maps of Ordnance Survey Ireland.

## Examples of stationery which comply with the Regulations



An Roinn Fiontar, Trádála agus Fostaíochta  
Department of Enterprise, Trade and Employment

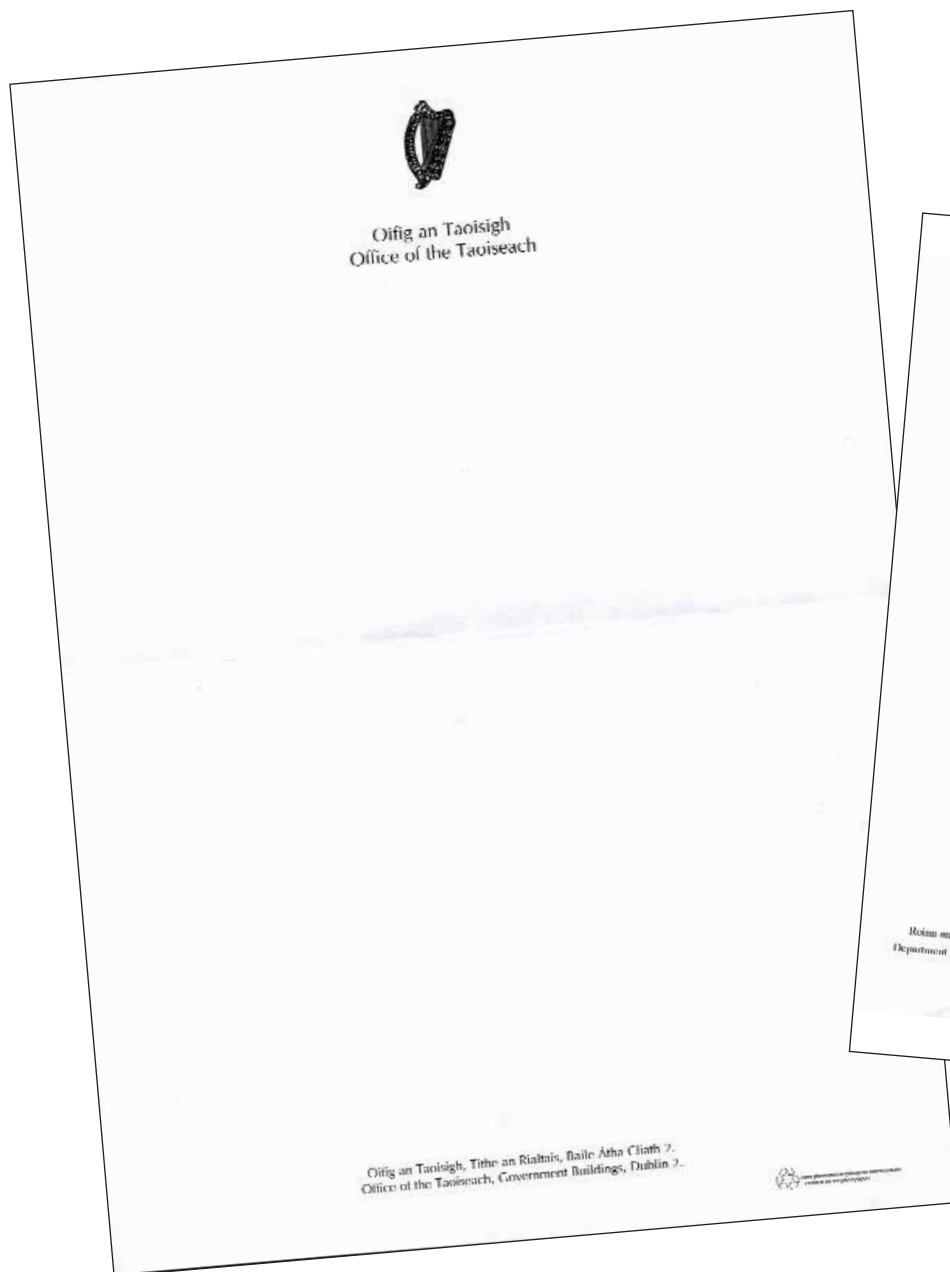


An Roinn Fiontar, Trádála agus Fostaíochta  
Department of Enterprise, Trade and Employment

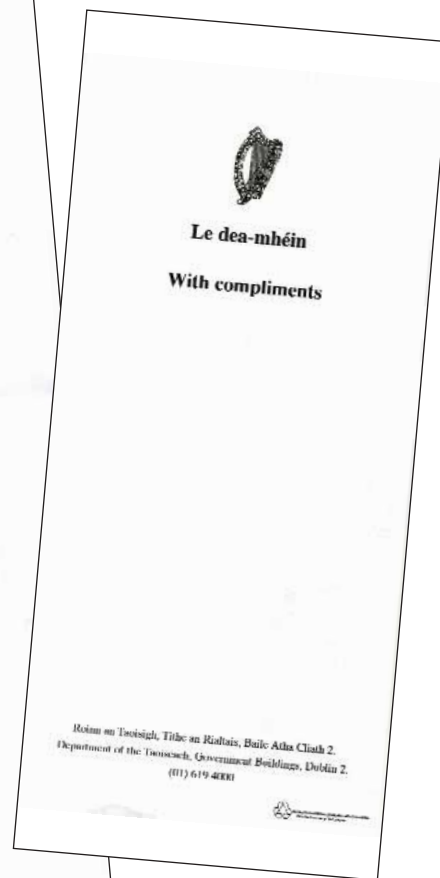
Le deánúireán • With compliments  
Sráid Chill Dara, Haile Átha Cliath 2, Éire • Kildare Street, Dublin 2, Ireland  
T: +353 1 631 2121 / 1890 220 222 • F: +353 1 631 2827 • [www.entemp.ie](http://www.entemp.ie) • [info@entemp.ie](mailto:info@entemp.ie)

Sráid Chill Dara, Haile Átha Cliath 2, Éire • Kildare Street, Dublin 2, Ireland  
T: +353 1 631 2121 / 1890 220 222 • F: +353 1 631 2827 • [www.entemp.ie](http://www.entemp.ie) • [info@entemp.ie](mailto:info@entemp.ie)

## Stationery



**Examples of stationery  
which comply with the  
Regulations**



## Exceptions in the Regulations in relation to stationery

1. Under these Regulations, a public body is not required to translate to English the name of a public body in Irish or an official title that is in common use in Irish.

*Examples of names of public bodies in common use in Irish:*

An Bord Pleanála, An Post, An Garda Síochána, Bord Gáis, Bus Éireann, Iarnród Éireann.

*Examples of official titles in common use in Irish:*

An Taoiseach, An Tánaiste, An Ceann Comhairle, An Garda, An Coimisinéir Teanga.

2. Under these Regulations, a public body is not required to translate from English to Irish or from Irish to English:
  - i) a person's name;
  - ii) a logo;
  - iii) a brand name;
  - iv) the name of a body other than a public body.

3. Under these Regulations, a public body is not required to translate from a language that is not an official language (for example French, Polish or Chinese) to an official language (Irish or English):
  - i) a person's name;
  - ii) a placename for a place outside the State;
  - iii) any document or publication.
4. Note that these Regulations do not apply to:
  - i) An Foras Teanga except with regard to its functions in relation to Irish.
  - ii) Public bodies insofar as they conduct commercial activities outside the State.
  - iii) Stationery used by an implementation body established under the British-Ireland Agreement Act 1999 for corresponding with people outside the State.



## Signs<sup>6</sup>

**A public body has a duty to ensure that signs placed by it or on its behalf within or outside the State are in Irish or bilingual.**

**What are the key dates for implementation of the Regulations with regard to signs?**

A	For <b>new signs</b> i.e. signs placed on any site on or after 1 March 2009 (whether in place of older signs or not).	<b>1 March 2009</b>
B	For signs placed on any site before 1 March 2009 which would fulfil the requirements of these Regulations except there is an error in the <b>Irish text</b> .	<b>1 March 2012</b>
C	For signs in <b>English only</b> placed on any site before 1 March 2009.	<b>1 March 2013</b>
D	For signs placed on any site that comply with the Regulations <b>except</b> the text in Irish is less prominent, visible or legible than the text in English <b>or</b> the letters in the text in Irish are smaller in size than the letters in the text in English.	<b>1 January 2026</b>
E	For signs of any other class.	<b>1 March 2013</b>

<sup>6</sup>Section 6 of Regulations (S.I. No. 391 of 2008)

**If bilingual text is chosen (instead of text in Irish only) what are the Regulations regarding signs?<sup>7</sup>**

- a) The text in Irish shall appear first.
- b) The text in Irish shall be as prominent, visible and legible as the text in English.
- c) The letters in the text in Irish shall not be smaller in size than the letters in the text in English.
- d) The text in Irish shall communicate the same information as the text in English.
- e) A word in the text in Irish shall not be abbreviated unless the word in the text in English, of which it is the translation, is also abbreviated.
- f) If there is a Placenames Order under Section 32 of the Act in force, a public body must use the official Irish language version specified in the Order on signs placed by it at any location. The Placenames Orders are available at [www.coimisineir.ie](http://www.coimisineir.ie).

**Exceptions in the Regulations in relation to signs**

1. Under these Regulations, a public body is not required to translate to English the name of a public body in Irish or an official title that is in common use in Irish.  
*Examples of names of public bodies in common use in Irish:*  
 An Bord Pleanála, An Post, An Garda Síochána, Bord Gáis, Bus Éireann, Iarnród Éireann.  
*Examples of official titles in common use in Irish:*  
 An Taoiseach, An Tánaiste, An Ceann Comhairle, An Garda, An Coimisinéir Teanga.
2. Under these Regulations, a public body is not required to translate from English to Irish or from Irish to English:
  - i) a person's name;
  - ii) a logo;
  - iii) a brand name;
  - iv) the name of a body other than a public body.

<sup>7</sup>Section 7 of Regulations (S.I. No. 391 of 2008)



3. Under these Regulations, a public body is not required to alter:
  - i) a sign that is of artistic, architectural or historical interest;
  - ii) a sign which is subject to a preservation order under Section 8 (as amended by the National Monuments (Amendment) Act 1954 (No. 37 of 1954) of the National Monuments Act 1930 (No. 2 of 1930));
  - iii) a commemorative plaque placed or erected at any location on or before 1 March 2009;
  - iv) a sign in respect of which there is compliance with these Regulations except that the text in English appears before the text in Irish.
  
4. Under these Regulations, a public body is not required to translate from a language that is not an official language (for example French, Polish or Chinese) to an official language (Irish or English):
  - i) a person's name;
  - ii) a placename for a place outside the State;
  - iii) any document or publication.
  
5. Note that these Regulations do not apply to:
  - i) An Foras Teanga except with regard to its functions in relation to Irish.
  - ii) Public bodies insofar as they conduct commercial activities outside the State.
  - iii) Traffic signs covered by the Regulations under Section 95(2) or an order under Section 95(16) of the Road Traffic Act 1961 (No. 24 of 1961).
  - iv) Signs covered by the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007).
  - v) Signs placed outside the State by or on behalf of an implementation body established under the British-Ireland Agreement Act 1999.

## What can be done where bilingual signs are too big?

In certain cases a public body may erect two signs, one in Irish and one in English, instead of one bilingual sign.

Where a public body proposes to erect a sign in Irish and in English at any location and is of the opinion that a bilingual sign would be too big or difficult to read or likely to cause an obstruction or that people, while reading it, would be likely to constitute a danger to themselves or to others, the public body may erect two signs at that location, one sign with the information in Irish and the other with the information in English.

## Are there other options if there are a large number of identical signs at the same location?

Public bodies have three choices where they erect more than 20 identical signs at the same location:

- The signs may be in Irish only  
*or*
- The signs may be bilingual  
*or*
- The text on the first sign may be in Irish only and the text on the second sign may be in English only and similarly on every second sign after that but the same information must be provided on each sign.

Notwithstanding the generality of this regulation, a public body may erect signs that are in compliance with the International System of Units as adopted by the Bureau Internationale des Poids et Mesures, established by the Metre Convention signed in Paris in 1875.

What is the key date for implementing the Regulations for new signs?

**1 March 2009**

## New signs erected after 1 March 2009

In accordance with the Regulations (S.I. No. 391 of 2008), public bodies are required to ensure that signs placed by them or on their behalf at any location after 1 March 2009 (subject to certain exemptions) must be in Irish or bilingual. The following are some examples of signs which comply with the Regulations and others which do not.

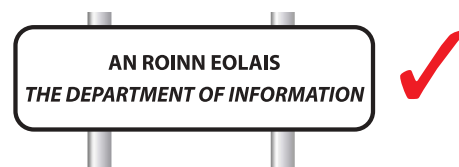


The above signs are in compliance with the Regulations for the following reasons:

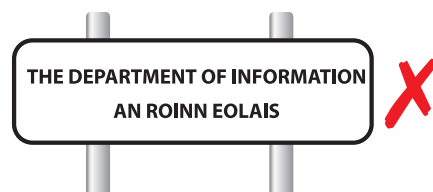
The text in Irish appears first; it is as prominent, visible and legible as the text in English and it communicates the same information.



The above signs are in compliance with the Regulations as the text is in Irish only.



The above sign is in compliance with the Regulations as the text in Irish is at least as prominent as the text in English.



The above sign is not in compliance with the Regulations because the text in Irish does not appear first. This sign must be corrected without delay.

### Database of Public Service Terminology

A database has been developed by Foras na Gaeilge to provide a wide range of basic terminology which should prove helpful to public bodies in complying with the regulations in relation to the use of Irish on signage and stationery. You can search the database by language, by category (alphabetically), or you can search the entire database for an individual term using the search engine. The terms are provided in the form of classified lists relating to various areas of the public service and further areas and terms will be gradually added to the database.

The terminology database can be accessed at [www.gaeilge.ie](http://www.gaeilge.ie).

## Signs already erected prior to 1 March 2009

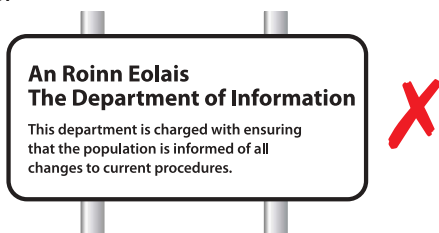
Signs which are already in place on 1 March 2009 and which do not comply with the Regulations (S.I. No. 391 of 2008) must be corrected by specified dates as illustrated by the following examples:



The above sign does not comply with the provisions contained in the Regulations as there is an error in the text in Irish (Éalite should read Éalaithe). The sign must be corrected by 1 March 2012.



The above sign does not comply with the Regulations because the text is in English only. This sign must be corrected by 1 March 2013.



This above sign does not comply with the Regulations because the text in Irish does not convey the same information as the text in English. This sign must be corrected by 1 March 2013.



The above sign does not comply with the Regulations because a word in the text in Irish is abbreviated (Comh. should read Comhairle) while that word is not abbreviated in the text in English. This sign must be corrected by 1 March 2013.



The above signs are not in compliance with the Regulations insofar as the text in Irish is not as prominent, visible or legible as the text in English. However, as the signs comply with the Regulations in all other respects, they are not required to be corrected until 1 January 2026.

# Recorded Oral Announcements<sup>8</sup>

**Public bodies have a duty to ensure that recorded oral announcements made by them or on their behalf are in Irish or bilingual by 1 July 2013.**

### What kinds of announcements?

1. **Recorded** oral announcements provided on the telephone when the offices of the public body are closed for example: *"This office is open from 9 until half past five. The office is closed now but leave a message and we will return your call."*
2. **Recorded** oral announcements transmitted by a public address system for example recorded announcements such as a security warning in an airport, a train station or in any other public place.
3. **Recorded** oral announcements created and transmitted by means of a computerised messaging system or a computerised telephone answering system for example: "Press 1 for accounts; press 2 for the switchboard."

Note that this provision relates to **recorded** announcements rather than **live** announcements.

### Placenames used in recorded oral announcements<sup>9</sup>

Where a Placenames Order is in force, a public body is required to use the Irish language version of the placename specified in that Order in recorded oral announcements made by it or on its behalf.

The Placenames Orders enacted to date in accordance with Section 32 of the Official Languages Act are available at [www.coimisineir.ie](http://www.coimisineir.ie).

### Exceptions in the Regulations in relation to recorded oral announcements

1. Under these Regulations, a public body is not required to translate to English the name of a public body in Irish or an official title that is in common use in Irish.

*Examples of names of public bodies in common use in Irish:*

An Bord Pleanála, An Post, An Garda Síochána, Bord Gáis, Bus Éireann, Iarnród Éireann.

*Examples of official titles in common use in Irish:*

An Taoiseach, An Tánaiste, An Ceann Comhairle, An Garda, An Coimisinéir Teanga.

2. Under these Regulations, a public body is not required to translate from English to Irish or from Irish to English:
  - i) a person's name;
  - ii) a logo;
  - iii) a brand name;
  - iv) the name of a body other than a public body.
3. Under these Regulations, a public body is not required to translate from a language that is not an official language (for example French, Polish or Chinese) to an official language (Irish or English):
  - i) a person's name;
  - ii) a placename for a place outside the State;
  - iii) any document or publication.These Regulations do not prevent public bodies using other languages, besides Irish and English, in recorded oral announcements.
4. Note that these Regulations do not apply to:
  - i) An Foras Teanga except with regard to its functions in relation to Irish.
  - ii) Recorded oral announcements intended to be heard by persons outside the State only.
  - iii) Personal oral messages recorded by staff members in public bodies.

What is the deadline for the implementation of the Regulations for recorded oral announcements?

**1 July 2013**

<sup>8</sup>Section 4 of Regulations (S.I. No. 391 of 2008)

<sup>9</sup>Section 8 of Regulations (S.I. No. 391 of 2008)

# Language Schemes

**The Minister for Community, Equality and Gaeltacht Affairs may request any public body to prepare a language scheme under Section 11 of the Official Languages Act 2003. The public body and the Department of Community, Equality and Gaeltacht Affairs jointly agree the provisions of the scheme. The public body gives commitments in the scheme regarding the services it will provide in Irish or bilingually.**

When the Minister for Community, Equality and Gaeltacht Affairs confirms the scheme, the commitments have statutory effect and the public body has a duty to implement them.

The purpose of the language schemes is to increase over a period of time the volume and standard of services available in Irish from public bodies. These language schemes remain in force for a three-year period or until a new scheme has been confirmed by the Minister.

### Preparing and agreeing a language scheme

The public body and the Department of Community, Equality and Gaeltacht Affairs jointly agree a language scheme and the Office of An Coimisinéir Teanga is not involved in this process.

Statutory guidelines have been developed by the Department of Community, Equality and Gaeltacht Affairs to assist public bodies in preparing language schemes and they are available at [www.coimisineir.ie](http://www.coimisineir.ie).

In accordance with the legislation, a public body has a period of 6 months to prepare a draft scheme from the time the Minister directs it to do so. After that, there is usually a consultation period between the Department of Community, Equality and Gaeltacht Affairs and the public body before the scheme is agreed. The scheme does not come into force until it is confirmed by the Minister.

The scheme describes the services which the public body proposes to provide:

- in Irish only
- in English only or
- bilingually.

It is necessary also to specify the steps which the public body intends to take to provide the stated services in Irish or bilingually.

The Minister has the right at any time, and no later than 6 months before the scheme expires, to direct the public body to review its current scheme and to prepare a new draft scheme.

### Requirements with regard to preparing a Language Scheme

- (1) Publish a notice seeking input from interested parties
- (2) Take note of the guidelines from the Department of Community, Equality and Gaeltacht Affairs
- (3) Ensure that a sufficient number of staff are able to provide services through Irish or bilingually
- (4) Ensure that the specific Irish language requirements concerning the provision of services in Gaeltacht areas will be met
- (5) Ensure that Irish will be the working language in its offices in Gaeltacht areas no later than the date the public body decides on with the consent of the Minister for Community, Equality and Gaeltacht Affairs
- (6) Within the time period specified in the notice that was published, prepare a draft scheme and present it to the Minister for Community, Equality and Gaeltacht Affairs for confirmation

### Compliance & monitoring

The Office of An Coimisinéir Teanga has direct responsibility for monitoring the implementation of the provisions of the Official Languages Act 2003. This responsibility is undertaken in various ways including reviewing and auditing the operation of the language schemes.

The Office of An Coimisinéir Teanga generally reviews the operation of the scheme after the first year and conducts a more comprehensive audit at the end of the third year. Examination of the operation of language schemes is usually carried out by means of questionnaires and meetings. At the end of the monitoring process, a report is sent from the Office of An Coimisinéir Teanga to the public body concerned.

Where commitments in a scheme have not been implemented by the appropriate date, every effort is made to reach a satisfactory resolution with the public body to rectify the failure. In cases where this does not happen, a formal investigation is initiated.

Copies of the schemes agreed to date may be obtained at [www.coimisineir.ie](http://www.coimisineir.ie).



### Investigation

*An investigation showed that Section 18(1) of the Official Languages Act was contravened when a public body did not provide a service through Irish which was specifically promised in a language scheme.*

## Irish in the Houses of the Oireachtas

### Debates / Committees

Members of the Dáil and Seanad have the right to use Irish or English in any debates or other proceedings in the Dáil or Seanad and/or in any committee, sub-committee or joint committee of the Oireachtas.

A person appearing before the Houses of the Oireachtas and /or before committees, sub-committees or joint committees of the Oireachtas has the right to conduct his/her business in Irish or in English.

All official reports of debates and other proceedings in the Houses of the Oireachtas must be published bilingually. However, contributions (whether oral or in writing) in either official language may be published solely in that language.

A simultaneous interpretation system is available in the Houses of the Oireachtas to ensure that a person without Irish is not at a disadvantage when Irish is spoken.

### Acts of the Oireachtas

The Acts of the Oireachtas are the primary source of law in Ireland apart from the Constitution. Since 14 July 2006, Acts must be published simultaneously in both official languages as soon as possible after their enactment, as set out in Section 7 of the Official Languages Act.

In accordance with the Houses of the Oireachtas Commission (Amendment) Act 2006, Section 3(2)(a), the Houses of the Oireachtas Commission has the duty to provide translation services for Acts of the Oireachtas from one official language to the other official language.



Investigation

*Following an official investigation at the request of eight members of the Oireachtas, An Coimisinéir Teanga decided in 2007 that a provision of the Official Languages Act had not been contravened when bills were not published in Irish during the enactment process in the Houses of the Oireachtas.*

### Implementing the Official Languages Act

The Minister for Community, Equality and Gaeltacht Affairs is required to submit a report annually to the Houses of the Oireachtas regarding the implementation of the Official Languages Act in the previous year.



# Irish in the Courts

### The right to use Irish

Either of the two official languages may be used in any court, in any pleading in any court or in any document issuing from any court. The court has a duty to ensure that any person may be heard in the official language of his or her choosing.

This means that any person may use Irish or English and should not be at a disadvantage because of the choice he or she has made. It also means that no court may attempt to influence a person to give evidence in any language other than in the official language of his or her choosing, whether it be Irish or English.

If the State or a public body is party to civil proceedings before a court, the State or the public body shall use the official language, Irish or English, chosen by the other party. If more than one other party is involved, the State or public body shall have to decide which official language would be reasonable to use in the particular case.

The State or public body may not put the person choosing one official language rather than the other official language to any inconvenience or additional expense.

### Interpretation system in the courts

The court is required to make arrangements for the provision of an interpretation system, if appropriate, and an individual may not be placed at any disadvantage or additional expense by choosing one official language rather than the other language.

It may be advisable to give advance notice to the Courts Service indicating a person's wish to give his or her evidence through Irish so that the appropriate arrangements can be put in place for an interpretation system, if required.





## Placenames

The Placenames Commission, established in 1946, advises the Minister for Community, Equality and Gaeltacht Affairs on the Irish versions of placenames throughout the country. Section 32 of the Official Languages Act provides that the Minister may, having received advice from the Commission, issue placenames orders declaring the Irish versions of placenames.

### Placenames throughout the country

Copies of all the Placenames Orders made to date are available at [www.coimisineir.ie](http://www.coimisineir.ie). Most of the Orders relate to individual counties but there are also Orders confirming the official names of provinces, counties, centres of population, districts and Gaeltacht areas.

Where a Placenames Order is in force, a public body is, after certain dates, required, under the Regulations made under Section 9(1) of the Official Languages Act, to use the Irish version of the placename specified in the Order, in the following cases:

- On stationery headings on new stationery used by the public body from 1 March 2009;
- On new signs placed by the public body at any location from 1 March 2009;
- In recorded oral announcements made by or on behalf of the public body from 1 March 2013.



### Gaeltacht placenames

With regard to Gaeltacht placenames, it is essential to use the Irish version of the Gaeltacht placename as specified in the Placenames Order in the following cases:

- In any **Act of the Oireachtas** or in any Statutory Instrument made after the Placenames Order comes into force;
- In **maps** prepared and published by Ordnance Survey Ireland or with its permission on or after 1 January 2005; the scales of which are on any scales from and including 1:1 to 1:9,999;
- On **road or street signs** erected by or on behalf of a local authority.

Individual public bodies may also have made specific commitments in relation to the use of Gaeltacht placenames in their language schemes.

Gaeltacht placenames have been confirmed in the Placenames Order (Gaeltacht Districts) 2004 S.I. No. 872 of 2004 which is available at [www.coimisineir.ie](http://www.coimisineir.ie).

In accordance with the provisions of Section 33(1) of the Official Languages Act, the English version of these placenames has no force or effect from 28 March 2005 in the case of Acts of the Oireachtas, in the aforementioned maps or on local authority road or street signs.

However, a person has the option of using the official Irish version or the unofficial English version of a Gaeltacht placename, should he or she choose to do so, apart from in the case of the aforementioned exceptions and any other exception specified in a language scheme under the Act.

See also [www.logainm.ie](http://www.logainm.ie).

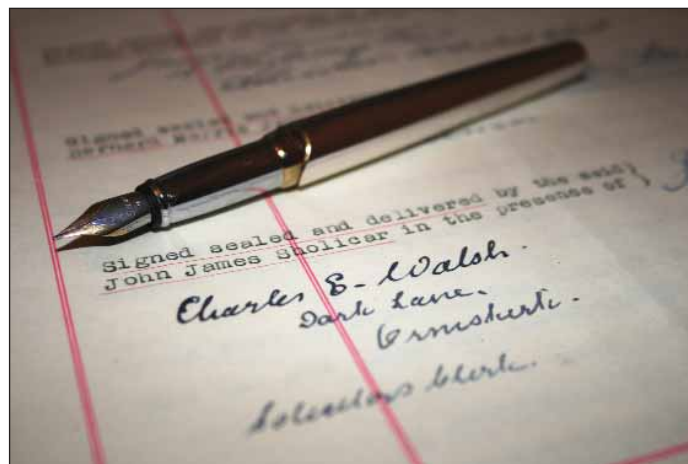


## Summary: Language Duties of Public Bodies

# Summary: Language Duties of Public Bodies

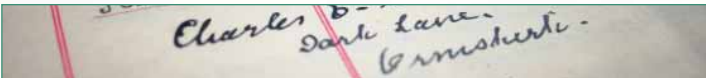
### Public bodies are required to:

- Ensure that correspondence (by post or email) sent to them in Irish is replied to in Irish (Section 9(2) of the Act).
- Ensure that when information is provided to the public in general or to a class of the public in general via post or email (for example mail shots) that the communication is in Irish or bilingual (Section 9(3) of the Act).
- Publish the following documents simultaneously in Irish and English:
  - any document setting out public policy proposals;
  - any annual report;
  - any audited accounts or financial statement;
  - any strategy statement prepared under the Public Service Management Act 1997;
  - any document of major public importance prescribed by the Minister for Community, Equality and Gaeltacht Affairs in conjunction with other Ministers, if appropriate (Section 10 of the Act).
- The Houses of the Oireachtas are required to print and publish all Acts simultaneously in Irish and English as soon as possible after an Act has been enacted (Section 7 of the Act). In accordance with the Houses of the Oireachtas Commission (Amendment) Act 2006, Section 3(2)(a), the Houses of the Oireachtas Commission is required to translate such Acts.
- Courts are required to deal with people in their chosen official language (Irish or English) (Section 8 of the Act).
- Public bodies are required to agree language schemes with the Department of Community, Equality and Gaeltacht Affairs when requested by the Minister and to implement the commitments of such statutory schemes (Sections 11 – 18 of the Act).
- Public bodies are required to cooperate with the Office of An Coimisinéir Teanga in the performance of the functions of that Office. This includes cooperating with An Coimisinéir Teanga when he is enquiring into complaints, conducting investigations and/or monitoring public bodies' compliance with language duties under the Act (Section 22 of the Act).
- All public bodies have a statutory duty to comply with Regulations made by the Minister for Community, Equality and Gaeltacht Affairs regarding the use of Irish in signs, stationery and recorded oral announcements (Section 9(1) of the Act).



### Language duties under other enactments

Irish has a particular status in other enactments as well as the Official Languages Act and specific bodies are accordingly required to provide services through Irish.



*Examples of other such acts are the Insurance Act 1936, Transport Act 1950, Heritage Act 1995, Education Act 1998, Planning and Development Act 2000, Garda Síochána Act 2005.*

An Coimisinéir Teanga has the right to carry out an investigation in any case in which a public body is considered to have failed to fulfil its duties under the Official Languages Act, under any regulations made under the Act and/or under any scheme confirmed in relation to a public body under the Act. An Coimisinéir Teanga also has the right to enquire into any valid complaint in which it is alleged that the provisions of any other enactments relating to the status or use of Irish have been contravened.



## Summary: Language Rights of the Public

# Summary: Language Rights of the Public

### **The Official Languages Act confirms that the public has the following rights:**

- The public has the right to expect that public bodies will comply with any regulations made under this Act in relation to the use of Irish in signage, stationery and recorded oral announcements (Section 9(1) of the Act).
- The public has the right to receive replies in Irish from public bodies to correspondence by post or by email written in that language (Section 9(2) of the Act).
- The public has the right to expect that public bodies will send information (for example mail shots) by post or email to the public in general or to a class of the public in general in Irish or bilingually (Section 9(3) of the Act).
- The public has the right to expect that public bodies will publish certain key documents, confirmed in the legislation, simultaneously in Irish and English including any document setting out public policy proposals, any annual report, any audited accounts or financial statement, and particular strategy statements (Section 10 of the Act).
- A person has the right to conduct his/her business before the Houses of the Oireachtas or before Oireachtas committees, sub-committees and/or joint committees through Irish (Section 6 of the Act).
- The public has the right to expect that all Acts of the Oireachtas, enacted from July 2006, will be published simultaneously in Irish and English as soon as possible after their enactment (Section 7 of the Act).
- The public has the right to use Irish in any court or in any business with any court (Section 8 of the Act).
- The public has the right to avail of all services in Irish agreed by public bodies in language schemes. The provisions of specific schemes relating to Gaeltacht areas are included here.



- The public has the right to expect An Coimisinéir Teanga to enquire into any valid complaint where public bodies are considered to have failed to fulfil their duties under the Official Languages Act, under any regulations made under the Act and/or under any scheme confirmed with a public body under the Act. The public has the right also to expect An Coimisinéir Teanga to investigate any valid complaint in which it is alleged that the provisions of any other enactments relating to the status or use of Irish have been contravened.
- The public has the right to expect to receive advice from the Office of An Coimisinéir Teanga regarding their language rights under the Act (Section 21 of the Act).



## LANGUAGE RIGHTS CHARTER

Language rights are safeguarded by the Constitution of Ireland and by various enactments of the Oireachtas, in particular the Official Languages Act 2003 ('the Act').

The objective of the Act is to increase the quantity and quality of services provided through Irish by state organisations to members of the public, in an organised manner, over a period of time.

### Language rights guaranteed by the Act include:

- The right to receive replies in Irish from state organisations to correspondence in Irish, in writing or by electronic mail.
- The right of access to specific key documents published by state organisations simultaneously in Irish and English, including annual reports, budgetary accounts, public policy proposals and certain strategic statements.
- The right to use Irish in any Court or in Court business.
- The right to use Irish before the Houses of the Oireachtas or before committees, subcommittees, and joint committees of the Oireachtas.
- The right to expect Acts or the Oireachtas to be published simultaneously in Irish and English as soon as possible after enactment.
- The right to expect state institutions (and institutions) over the course of a fiscal year under the Act in relation to the use of Irish in signage, stationary, advertising and other announcements.
- The right to expect state organisations to comply with any regulations made under the Act in relation to the use of Irish in signage, stationary, advertising and other announcements.
- The right to obtain advice or other assistance from An Coimisinéir Teanga with regard to rights under the Act.
- The right to have a valid complaint regarding the failure of a state organisation to comply with provisions of the Act, or with any other enactment relating to the status or use of Irish, investigated by An Coimisinéir Teanga.

### Constitution of Ireland.

#### Article 8

1. The Irish language as the national language is the first official language.
2. The English language is recognised as a second official language.
3. Provision may, however, be made by law for the exclusive use of either of the said languages for any one or more official purposes, either throughout the State or in any part thereof.

An Coimisinéir Teanga monitors compliance with the provisions of the Official Languages Act 2003 and corresponding provisions relating to the status or use of Irish. An Coimisinéir Teanga provides advice to the public regarding their language rights under the Act.

Contact information by post by fax or e-mail or by telephone:  
An Coimisinéir Teanga  
Department of the Environment, Heritage and Local Government  
The Oireachtas Building  
Dublin 2, D02 0132  
www.coimisinerteanga.ie

# Role of An Coimisinéir Teanga

An Coimisinéir Teanga is appointed by the President on the advice of the Government following a resolution passed by the Houses of the Oireachtas recommending the appointment (Section 20 of the Act). An Coimisinéir Teanga is independent in the performance of his duties.

### Functions of An Coimisinéir Teanga

The duties of An Coimisinéir Teanga as specified in Sections 20 - 30 of the Act are as follows:

- To monitor compliance by public bodies with the provisions of the Official Languages Act and to take all necessary measures to ensure compliance by public bodies with their duties under the Act.
- To conduct investigations on his own initiative, on request from the Minister for Community, Equality and Gaeltacht Affairs or pursuant to a complaint made to him by any person in cases where public bodies are considered to have failed to fulfil their duties under the Official Languages Act. An Coimisinéir Teanga also has the right to investigate any valid complaint in which it is alleged that the provisions of any other enactments relating to the status or use of Irish have been contravened.
- To prepare a report in writing in respect of each investigation.
- To provide advice to the public regarding their language rights under the Official Languages Act.
- To provide advice to public bodies regarding their language duties under the Act.
- To provide an annual report on the work of the Office of An Coimisinéir Teanga to the Minister for Community, Equality and Gaeltacht Affairs to be laid before the Houses of the Oireachtas. The Office's annual reports are available at [www.coimisineir.ie](http://www.coimisineir.ie).

- To submit annual financial accounts by the Office of An Coimisinéir Teanga to the Comptroller and Auditor General and to provide these accounts to the Minister for Community, Equality and Gaeltacht Affairs to be laid before the Houses of the Oireachtas. The annual accounts of the Office are available at [www.coimisineir.ie](http://www.coimisineir.ie).

### Powers of An Coimisinéir Teanga

The following are the powers of An Coimisinéir Teanga as specified in Sections 22 - 30 of the Act:

- An Coimisinéir Teanga has the power to obtain written or oral information from public bodies in order to enable him to fulfil the duties of his office.<sup>10</sup>
- An Coimisinéir Teanga may compel a person to attend before him for that purpose and the person must comply with that requirement. The person is entitled to the same immunities and privileges as if he or she were a witness before the High Court.
- A fine not exceeding €2,000 and/or imprisonment for a term of up to 6 months may be imposed on a person convicted in court of refusing or failing to cooperate with An Coimisinéir Teanga or of obstructing his work.
- If a public body refuses or fails to cooperate with An Coimisinéir Teanga or if his work is obstructed and if it is proved that this occurred with the consent, connivance or neglect of an official, the official and the public body could be convicted in court in that particular case.

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<sup>10</sup> This paragraph does not apply to information relating to decisions and proceedings of government or government committees if the Secretary-General to the Government provides a certificate confirming that this applies to the information in question.

## Investigations

An Coimisinéir Teanga has authority and powers in accordance with the provisions of the Official Languages Act to carry out investigations in cases where it is considered that public bodies may have failed to fulfil their statutory duties under the Act. He may also investigate allegations of non-compliance with provisions of other enactments relating to the status or use of Irish.


An investigation is an official enquiry initiated on a formal statutory basis in accordance with the provisions of the Act. An investigation may be conducted based on a complaint from any person, at the request of the Minister for Community, Equality and Gaeltacht Affairs or on the initiative of An Coimisinéir Teanga.

During an investigation, public bodies have a statutory duty to provide the Office of An Coimisinéir Teanga with information or files in their possession relating to the investigation. The public body would normally be asked to provide the Office with any information on the matter from its files as well as a written report on the matter being investigated.

Any person from the public body also has a statutory duty to present himself or herself before An Coimisinéir Teanga to give information orally, if requested to do so. The person providing information to an investigation is entitled to the same immunities and privileges as a witness before the High Court.

The Act provides for the imposition of a fine not exceeding €2,000 and/or imprisonment for a term of up to 6 months on a person convicted in court of refusing or failing to cooperate with or obstructing an investigation.

An investigation results in a report, which is made available to the appropriate parties (the public body concerned, the complainant, as appropriate, and the Minister for Community, Equality and Gaeltacht Affairs). Such a report contains the findings of An Coimisinéir Teanga with regard to the complaint and the appropriate recommendations. An appeal against the decision on a point of law may be made within four weeks to the High Court. If the recommendations of An Coimisinéir Teanga are not implemented within a reasonable time, he can report to the Houses of the Oireachtas on the matter.



*An investigation may be initiated if a provision of any of the following is considered to have been or is being contravened:*

- *Official Languages Act 2003*
- *Regulations in force under that Act*
- *Language scheme confirmed under that Act or*
- *Any other enactments relating to the status or use of Irish.*


Normally an investigation would not proceed unless an initial attempt to resolve the complaint through the Office of An Coimisinéir Teanga's informal complaint resolution system was unsuccessful or unless it was clear that it was unlikely that the case would be resolved satisfactorily without an investigation. The investigation system is a complicated process which requires time and resources and it would not normally be conducted without good reason.

## Investigations

An Coimisinéir Teanga may refuse to investigate a complaint under the Act or may discontinue the investigation if he reaches the opinion that:

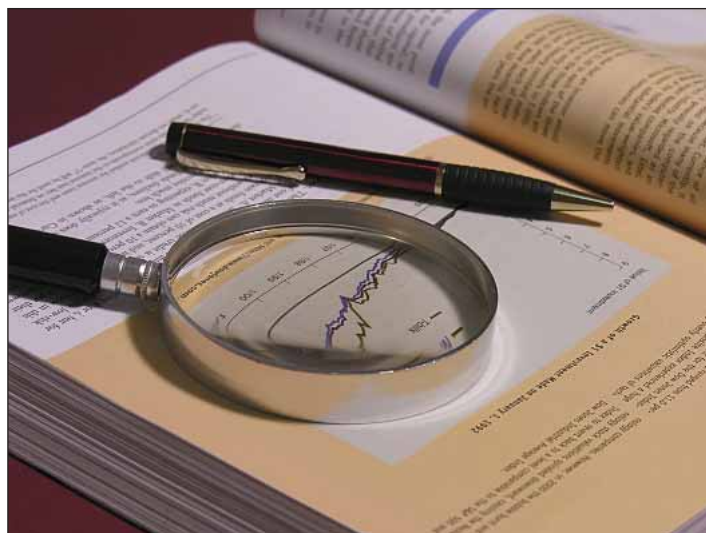
- a) The complaint is trivial or vexatious i.e. that it does not have a proper basis.
- b) The complainant has not made reasonable attempts to seek to resolve the case or, if he or she has made reasonable attempts, he or she has not been refused redress.
- c) The complaint relates solely to a function of the Ombudsman under Section 4(2)(a) of the Ombudsman Act 1980.
- d) The complaint does not involve any contravention of the provisions of the Official Languages Act or any other enactments relating to the status or use of Irish.

The Minister for Community, Equality and Gaeltacht Affairs may, with the consent of the Minister for Finance, develop a compensation scheme. Such a compensation scheme, if developed, would impose a duty on a public body to pay such sums, as specified in the scheme, in respect of a contravention of the provisions of the Official Languages Act as specified in a investigation of An Coimisinéir Teanga. No such scheme had been developed when this edition of this Guidebook was published.



**Example of the outcome of an Investigation**

*An Coimisinéir Teanga decided as a result of an investigation in 2007 that language duties under the Education Act 1998 had been contravened when particular support services were not available in Irish to specific schools teaching through Irish at a time when those services were available in English to schools teaching through the medium of that language.*





# Responsibilities of the Minister and An Coimisinéir Teanga

The Office of An Coimisinéir Teanga is a fully independent office as set out in the Official Languages Act. The Act makes a clear distinction between the responsibilities of An Coimisinéir Teanga and those of the Minister for Community, Equality and Gaeltacht Affairs. The following are examples of that distinction:

### Implementation of the Act

The Minister for Community, Equality and Gaeltacht Affairs was responsible for guiding the enactment of the Bill through the Oireachtas and is also responsible to the Oireachtas for the legislation on behalf of the Government. The Minister was responsible for bringing various provisions of the Act into effect over a period of time using Ministerial orders. The Minister is responsible for confirming any Statutory Instruments or Regulations under the Act. The Minister is also responsible for the appropriate provision of staff and resources to the Office of An Coimisinéir Teanga.

An Coimisinéir Teanga monitors the implementation of provisions of the Official Languages Act by public bodies and takes whatever action is required to ensure that those bodies comply with their duties under the Act.

### Language schemes

The Minister requires public bodies to prepare draft language schemes and to provide those schemes to him for confirmation. The Minister issues guidelines to public bodies to assist them in the preparation of draft schemes. The Minister may re-evaluate those guidelines, whenever he considers this to be appropriate.

The Minister confirms each language scheme, after consulting with interested parties and with the consent of the head of the public body concerned. The Minister is responsible for sending a copy of confirmed schemes to An Coimisinéir Teanga.

The Minister requires public bodies, no later than 6 months before a scheme expires, to review their scheme and to prepare and present a new draft scheme to him.

An Coimisinéir Teanga monitors how public bodies fulfil the provisions of each confirmed scheme and takes every necessary action to ensure that public bodies comply with their duties under these statutory schemes.

### Advice

An Coimisinéir Teanga has responsibility for providing advice to the public with regard to their language rights under the Act.

An Coimisinéir Teanga also has responsibility for providing advice to public bodies with regard to their language duties under the Act.

### Complaints and investigations

An Coimisinéir Teanga enquires into complaints from the public and initiates investigations where it is alleged that public bodies may have failed to fulfil their duties under the Official Languages Act. He also enquires into complaints regarding allegations that other enactments relating to the status or use of Irish have been contravened.

An Coimisinéir Teanga may begin an investigation on his own initiative, at the request of the Minister or as a result of a complaint from a member of the public.

## Responsibilities of the Minister and An Coimisinéir Teanga

An Coimisinéir Teanga prepares a written report on every investigation. He sends a copy of the report with findings and recommendations to the Minister, to the public body concerned and to the complainant, as appropriate. Following the report, any party to an investigation or any other person affected by the findings and recommendations of the investigation may appeal to the High Court on a point of law within four weeks.

If An Coimisinéir Teanga is of the opinion that a public body has failed to implement the recommendations of an investigation within a reasonable time, he may submit a report to the Houses of the Oireachtas with regard to that failure.

### Compensation schemes

The Minister may, with the consent of the Minister for Finance, develop a compensation scheme requiring a public body to pay monetary compensation to a person/persons in respect of its failure to comply with a provision of the Official Languages Act following an investigation by An Coimisinéir Teanga.

### Placenames

After receiving advice from the Placenames Commission, the Minister confirms Placenames Orders certifying the official Irish version of placenames. If a Placenames Order has been confirmed, a public body must use the Irish version of a placename in the Order in any recorded oral announcement, on any stationery headings or on any signs placed by it at any location.

When the Minister makes a declaration in respect of a placename in the Gaeltacht, only the Irish version may be used henceforth in legislation, on particular maps of Ordnance Survey Ireland and on local authority road and street signs.

An Coimisinéir Teanga monitors the implementation of the legislation relating to placenames.

### Reports

The Minister places a report before the Oireachtas each year in relation to the operation of the Official Languages Act in the previous year.

An Coimisinéir Teanga provides an annual report on the operation of the Office of An Coimisinéir Teanga to the Minister for Community, Equality and Gaeltacht Affairs to be laid before the Houses of the Oireachtas.

An Coimisinéir Teanga provides annual financial accounts to the Comptroller and Auditor General and subsequently to the Minister for Community, Equality and Gaeltacht Affairs to be laid before the Houses of the Oireachtas.

An Coimisinéir Teanga may publish a commentary on the practical application and operation of the provisions of the Act, including a commentary based on the experience of holders of the Office of An Coimisinéir Teanga with regard to investigations.

## Checklist for Public Bodies

<b>Duties</b>	✓
Have you a system in place that ensures that communications in writing or by email in Irish are replied to in Irish?	
Are all staff aware of the system to deal with correspondence in Irish?	
Are the core documents as specified in the Act published simultaneously in Irish and English i.e. documents containing public policy proposals, annual reports, audited accounts, financial statements, strategy statements (if appropriate)?	
Do you ensure that information provided to the public in general or to a class of the public in general via post or email (for example mail shots) is in Irish or bilingual?	
Have you a system in place to ensure that the Regulations made under the Act in relation to the use of Irish and English are complied with: <ul style="list-style-type: none"> <li>• in recorded oral announcements</li> <li>• on stationery</li> <li>• on signage?</li> </ul>	
If the Minister for Community, Equality and Gaeltacht Affairs has confirmed a language scheme under the Act for your organisation, is there an effective system in place to ensure that the commitments made in the scheme are being implemented?	
Are your staff aware of the services in Irish which your body provides?	
Is there a proactive system in place to inform your customers of the services in Irish which your organisation provides?	
If statutory duties apply to your organisation under any provision of other enactments relating to the status or use of Irish (for example an establishment Act or Statutory Instrument), are those duties being complied with appropriately?	
Is there a system in place to ensure that your organisation cooperates with the Office of An Coimisinéir Teanga during the monitoring of compliance with language duties under the Act or during an investigation?	



## Contact Details

# Contact Details

The Office of An Coimisinéir Teanga may be contacted as follows if you wish to obtain further information on the Official Languages Act:

**POST:** An Coimisinéir Teanga  
An Spidéal  
Co. na Gaillimhe  
Éire

**TELEPHONE:** 091-504 006

**LOCAL CALL:** 1890-504 006

**FAX:** 091-504 036

**EMAIL:** [eolas@coimisineir.ie](mailto:eolas@coimisineir.ie)

**WEBSITE:** [www.coimisineir.ie](http://www.coimisineir.ie)



*The Irish version is the original version of this Guidebook.*