ARGYLL AND BUTE COUNCIL **POLICY AND RESOURCES COMMITTEE**

CUSTOMER SUPPORT SERVICES **20 AUGUST 2026**

SCOTTISH LANGUAGES ACT 2025 - AREAS OF LINGUISTIC SIGNIFICANCE

1.0 INTRODUCTION

1.1 This paper advises the Policy and Resources Committee on the new statutory duty for local authorities in the Scottish Languages Act 2025 (the Act) to consider designating Areas of Linguistic Significance (ALS).

1.2 This paper presents information for members on the provisions in the Act, the statutory duties that the Act places on the Council and proposals for actions to meet those duties with specific regard to the process of designating Areas of Linguistic Significance.

1.3 The paper notes that the Council has a statutory Commencement date of 1st September 2026 that establishes the start of a 12-month period during which consultation, engagement and proposed designations for ALS must be carried out.

1.4 The paper presents information on areas in Argyll and Bute where 20% or more of the population are Gaelic speakers according to the 2022 Census. These areas must be considered for designation as set out in the Act and the accompanying statutory guidance. The paper also identifies other areas for designation which meet additional criteria in the Act.

1.5 The paper notes that the Scottish Government has identified funding for councils in financial year 2026/27 to prepare and undertake consultation and engagement on ALS designation

2.0 RECOMMENDATIONS

It is recommended that the Policy and Resources Committee:

2.1 Note the progress being made to ensure that the Council meets its statutory obligations under the Scottish Languages Act 2025 to consult on designating Areas of Linguistic Significance.

2.2 Note that statutory guidance issued to date is limited in terms of what councils will be expected to deliver in ALS designated areas.

2.3 Note that the Argyll and Bute Council's 12-month commencement date begins on 1st of September 2026.

2.4 Note that the islands listed at paragraph 3.12.4 meet the threshold of 20% or more Gaelic speakers in the population and must be considered for designation under the Act.

2.5 Agree to progress with the proposed approach in para 3.12 to meet the statutory duties now placed on the Council.

2.6 Agree that a further update will be brought to Policy and Resources Committee in October setting out the approach to consultation and engagement in more detail.

3.0 DETAIL

3.1 The Scottish Languages Act was passed by the Scottish Parliament in June 2025 and received Royal Assent on 31 July 2025, when it officially became the Scottish Languages Act 2025. Section 1 of the Act gives Gaelic 'official status' throughout Scotland and came into force in November 2025.

3.2 This paper refers to the specific new power granted to local authorities under the Gaelic Language section of the Act to designate Areas of Linguistic Significance. The legislation states:

1A Meaning of 'area of linguistic significance'

(1) An area may be designated as an area of linguistic significance if -
(a) The area contains a significant number of people with Gaelic language skills, or
(b) The area does not contain a significant number of people with Gaelic language skills but —
(i) the area is historically connected with the use of Gaelic,
(ii) the area is one in which teaching and learning by means of the Gaelic language is provided, or
(iii) the area is one in which significant activity relating to the Gaelic language or Gaelic culture takes place.

(2) For the purpose of subsection (1), an area contains a significant number of people with Gaelic language skills if at least 20% of the area's population has Gaelic language skills. The legislation states that Councils ***must*** consider areas under section 1A(1)(a). It is not a mandatory requirement to consider designation of areas that meet the criteria under section (b).

3.3 The legislation states that 'A local authority may designate all or part of its area as an area of linguistic significance if it considers that the area falls within the description of an area of linguistic significance set out in 1A(1)'.

3.4 The legislation and accompanying statutory guidance state clearly that the final decision on whether to designate an area lies with the Council, but that this must be informed by consultation with communities and must consider those areas that fall within section (1)(a). The Council has one year from the Commencement date of the 1st of September 2026 to carry out the consultation and engagement and to consider and propose designation.

3.5 A council may consider designating all or part of their area. Overall the Argyll and Bute Council area has an average of 6.2% of people who understand, speak, read or write Gaelic.

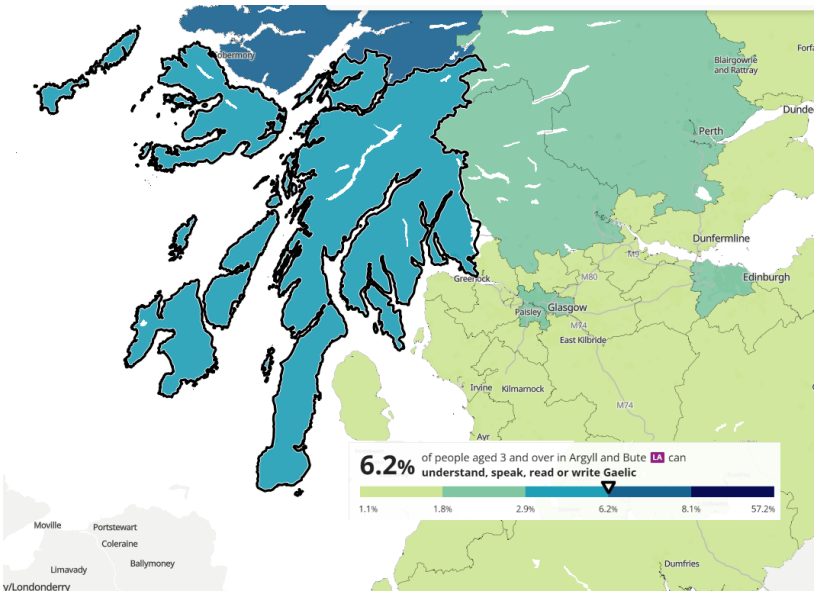

Fig 1: Census 2022.

There are, however, within that overall average, a number of smaller areas that meet or exceed the 20% threshold for linguistic designation based on the 2022 Census information at Census Output Area level.

3.6 There is a process specifically set out in the Act identifying the route to designating and approving an area. The decision to consider and designate an area lies solely with the Local Authority. The Council has 12 months from its commencement date of 1st September 2026 to consider, consult on and choose whether to designate Areas of Linguistic Significance. The council must consult on and consider areas that meet the linguistic threshold of 20% as set out in section 1(a) of the Act. This is mandatory. The Council may also consider designation of areas under section 1(b) within the first 12-month period. This is optional.

The Council has up to 5 years from the commencement date of the 1st of September 2026 to consider designation of areas under the criteria in section 1(b) of the Act.

It is proposed that the Council take a staged approach to the process of engaging and consulting on ALS designation, focusing in year 1 on those areas

where the population meets the 20% threshold of Gaelic speakers, which is mandatory and is specified as well as areas where there is Gaelic Medium Education. This is set out in more detail at para 3.12 below.

3.7 The legal process for designating Areas of Linguistic Significance is detailed in the Act, but the responsibilities accruing to a council from a designation remain unclear, even with the publication of statutory guidance. This is a point of concern for councils as Ministers reserve the right to introduce further statutory guidance which may place additional duties on councils in these areas.

3.8 The guidance gives broad advice that councils in *Areas of Linguistic Significance will be expected to make **particularly determined** efforts to ensure the safeguarding, promotion, facilitation and support of the Gaelic language as one of the official languages of Scotland. As such, in Areas of Linguistic Significance, stricter standards and requirements related to the use of Gaelic in public life by relevant public authorities can be expected. These standards and requirements apply to:*

- *The preparation of publications*
- *The provision of information*

And may…include provision about the exercise of functions relating to:

- *The development of the Gaelic Language*
- *The provision of education*
- *Community planning*
- *Community development*
- *Economic development*

3.9 **Local community views**

Officers have, since early 2026, been engaging with local groups and organisations across the authority who have expertise in Gaelic language and culture. This early engagement is essential to the process of considering our approach to consulting on ALS designation, given the very specific nature of Gaelic language and culture in those areas. The intent is to position ALS as community led rather than driven by the Council.

Given the uncertainty surrounding the impacts of designation, these groups and organisations have expressed strong views on the importance of giving meaning to a designation, i.e. it should reflect areas and communities where Gaelic is and remains significant. On that basis, an incremental approach to designation is recommended, with consultation and engagement in the first year being focussed on those areas that meet or exceed the linguistic threshold as in section 1(a) and areas where there is Gaelic Medium Education as in section 1(b).

A longer-term approach to ALS designation will be informed by experience from the initial phase, as well as by further guidance from Scottish Government.

3.10 Progress in other Council Areas

Both Comhairle nan Eilean Siar (CnES) and The Highland Council have census data showing areas that meet or exceed the 20% threshold for statutory consideration. They are proceeding on the basis that they will consider the entire council area for designation as they go into the consultation and engagement period.

3.11 Resourcing

One of the challenges of complying with the new Duty is that there is no additional revenue funding for councils associated with the Duty. The Scottish Government has, however, identified a sum of £1.5m in 2026-27 pre-designation funding to support activity relating to Areas of Linguistic Significance. The Council has been invited to submit a business plan for a £350k allocation from this fund.

3.12 Recommended Approach

3.12.1 As set out above, the Council now has a new statutory duty to consult and consider the designation of Areas of Linguistic Significance as set out in statutory guidance within 12 months of our commencement date of 1st September 2026.

3.12.2 There is limited guidance on what must be delivered in areas that are designated as Areas of Linguistic Significance. There is no guidance yet, for example, on what will be expected from Education Services. This presents a potential risk to the Council in terms of unplanned resource demands. It is expected that further statutory guidance will be issued by Scottish Government in due course.

3.12.3 In order to balance compliance with meaningful engagement and with future unknown demands, it is proposed that the Council take a staged approach to the process of engaging and consulting on ALS designation, focusing in Year 1 on those areas where the population meets the 20% threshold of Gaelic speakers, which is mandatory and is specified in the Duty under section 1(a) as well as areas where there is Gaelic Medium Education under section 1(b).

3.12.4 The areas proposed for particular focus in consultation and engagement regarding designation are areas which meet or exceed the linguistic threshold or provide Gaelic Medium Education. Islay, Colonsay, Tiree, Mull, and Lismore meet the linguistic threshold for designation. Oban, Appin, Dunoon and Sandbank, whilst not meeting the linguistic threshold, are areas which provide Gaelic Medium Education and therefore meet the criteria on teaching and learning by means of the Gaelic language.

3.12.5 The outcomes from this focused engagement and consultation will then shape the recommendations to Council for areas to be designated under the Act in the first 12-month period.

3.12.6 The Act and accompanying statutory guidance state that areas that meet the linguistic threshold criteria under section 1(a) must be considered for designation in Year 1. Areas that meet the other criteria under section 1(b) may be considered for designation thereafter.

3.12.7 The proposed approach to engaging and consulting with the first group of areas on potential designation is for the council to fulfil a coordinating role. Community groups would be supported, using the funds made available by the Scottish Government for this purpose, to carry out the engagement and consultation themselves during the 12-month statutory consultation period. This approach is based on the principles of subsidiarity and community empowerment. This will allow communities to shape the proposals for designation, based on their specific local needs and aspirations for Gaelic development. This approach is dependent on funding being provided by Scottish Government.

3.12.8 The approach would be taken forward on a project management basis, ensuring visibility for senior leadership and elected members as appropriate. Reports on the outcome of consultation and engagement will be reported to Policy and Resources Committee and will inform the recommendations for designating Areas of Linguistic Significance.

4.0 CONCLUSION

4.1 The Scottish Languages Act 2025 places several new duties and powers upon local authorities. Areas of Linguistic Significance will require careful attention to ensure compliance with the statutory guidance that has been issued. There is no revenue resource provision for this new Duty from Scottish Government, nor is there clarity in the statutory guidance on what the responsibilities for councils and other public bodies will be if an area is designated.

4.2 Argyll and Bute has areas that meet or exceed the linguistic threshold of 20% or more Gaelic speakers and so these areas must be considered for designation under the Act in the first year under section 1(a). Oban, Dunoon, Sandbank and Appin are also areas where Gaelic Medium Education takes place and so meet the criteria for designation under section 1(b). This data will shape the proposed approach to consultation, engagement and proposals for designation. This approach will empower communities to lead the consultation and engagement as is appropriate for their area, supported by Scottish Government funding.

4.3 Alongside the Duty to consider designation, the Council has the power to decide whether to designate or not and this decision must be taken within 12 months of the commencement date of 1st September 2026.

5.0 IMPLICATIONS

5.1 Policy - None directly from this report.

5.2 Financial – Scottish Government has set aside funding for Areas of Linguistic Significance in 2026/27, which the council will prepare a business case for. There is no revenue budget for this new duty on the Council.

5.3 Legal – This report ensures compliance with the Scottish Languages Act 2025 new statutory duties and guidance as regards ALS.

5.4 HR – There are resource implications for existing staff in accommodating this new duty.

5.5 Customer Service - None directly from this report.

5.6 Risk – The proposed approach mitigates the risk of not complying with a new statutory duty.

5.7 Climate Change - None directly from this report.

5.8 Fairer Scotland Duty - None directly from this report.

5.9 Equalities - protected characteristics - None directly from this report.

5.10 Consumer Duty - None directly from this report.

5.11 Island Communities: Some island communities may be designated as Areas of Linguistic Significance and this would be considered as a positive impact.

5.12 Children's Rights and Wellbeing - None directly from this report.

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