

## **Language Duties of Public Bodies**

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**1) What are the language duties of public bodies under the Official Languages Act?**

Under the Official Languages Act 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 certain 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 account 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).

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**2) Are public bodies obliged to use stationery in Irish or bilingually?**

Public bodies have a duty under the Regulations under the Official Languages Act to ensure that the headings on the following stationery items are in Irish or bilingual:

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

These 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**

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**3) Are public bodies obliged to erect signs in Irish or bilingually?**

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.

The key dates for implementation of the Regulations with regard to signs are:

<b>A</b>	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>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 Irish text	<b>1 March 2012</b>
<b>C</b>	For signs <b>in English only</b> placed on any site before 1 March 2009	<b>1 March 2013</b>
<b>D</b>	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 or the letters in the text in Irish are smaller in size than the letters in the text in English	<b>1 January 2026</b>
<b>E</b>	For signs of any other class	<b>1 March 2013</b>

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**4) Are public bodies obliged to ensure that their recorded oral announcements are in Irish or bilingual?**

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.

The types of announcements involved are:

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 in an airport such as a security warning, 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.

The deadline for the implementation of the Regulations for recorded oral announcements is:

**1 July 2013**

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**5) Are public bodies obliged to correspond with the public in Irish or bilingually?**

Under subsection 9(2) of the Act, 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. 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.

This duty under the Act only applies where the person has initiated the correspondence with the public body. It does not apply where the public body has initiated the correspondence.

However, where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding correspondence in Irish with people who have registered for that purpose with the public body, the public body must fulfil that statutory commitment and correspond with those people in Irish. This statutory commitment applies irrespective of whether the person or the public body initiated the correspondence due to the fact that the person has registered with the public body for correspondence in Irish.

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**6) Are public bodies obliged to provide information to the public in Irish or bilingually?**

Under subsection 9(3) of the Act, public bodies have a duty to ensure that any information in writing which is issued to the general public or to a class of the general public is in Irish or bilingual.

The following criteria should be used by public bodies when assessing whether the proposed communication comes under section 9(3) of the Act:

- 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 all of these criteria, it would appear that it comes under section 9(3) of the Act and should be issued in Irish or bilingually.

The information provided in mail shots is generic information provided to the public in general or to a class of the public in general as opposed to individual, personal information. Information provided in mail shots could obviously be issued in a variety of formats, e.g. letters, leaflets, brochures, newsletters, etc.

The Act does not specifically define these concepts: “*the general public*” or “*a class of the general public*”. Consequently, the legal interpretation rule applies and the entire context in which the concept is used and the normal meaning of the concept must be taken into account.

It seems clear that “*the general public*” consists of the population at large, i.e. all households in the state. It is obviously not possible for the Office of An Coimisinéir Teanga to envisage all instances in which mail shots could be issued by public bodies to “*a class of the general public*”. However, it may be useful to provide some examples of classes of the general public, e.g. all pensioners, all single parents, all students, all people living in a particular area. Mail shots issued to individual professional groups (e.g. all doctors, all solicitors) or to people who have chosen to register in the unique database of a particular organisation (e.g. blood donors) are not considered to constitute classes of the general public for the purposes of this legislation.

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**7) Are public bodies obliged to publish documents in Irish or bilingually?**

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 account 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.

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**8) Are public bodies obliged to provide forms in Irish or bilingually?**

The provision of forms in Irish or bilingually does not come under either the Act or the Regulations. Therefore, there is no obligation on public bodies under either the Act or under the Regulations to provide forms in Irish or bilingually. However, where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding the provision of forms in Irish or bilingually, the public body must fulfil that statutory commitment.

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**9) Are public bodies obliged to provide information/promotional leaflets or brochures in Irish or bilingually?**

The provision of information/promotional leaflets or brochures in Irish or bilingually does not come under either the Act or the Regulations. Therefore, there is no obligation on public bodies under either the Act or under the Regulations to provide such leaflets or brochures bilingually or in Irish only, unless such a commitment has been made in the public body's language scheme or unless the leaflet or brochure is to be circulated as part of a mail shot.

Where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding the provision of information/promotional leaflets or brochures, the public body must fulfil that statutory commitment.

Furthermore, if such leaflets or brochures were to be issued as a mail shot to the general public or to a class of the general public, they must be in Irish or bilingual under section 9(3) of the Act.

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**10) Are public bodies obliged to provide newsletters in Irish or bilingually?**

In general, the use of Irish in newsletters does not come under either the direct provisions of the Act or the Regulations. Therefore, there is no obligation on public bodies under either the Act or under the Regulations to provide newsletters in Irish or bilingually unless such a commitment has been made in the public body's language scheme or unless the newsletter is to be circulated as part of a mail shot.

Where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding the provision of newsletters, the public body must fulfil that statutory commitment.

Furthermore, if such newsletters were to be issued as a mail shot to the general public or to a class of the general public, they must be in Irish or bilingual under section 9(3) of the Act.

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- 11) **Are public bodies obliged to provide their websites in Irish or bilingually?** The provision of websites does not come under either the direct provisions of the Act or the Regulations. Therefore, there is no obligation on public bodies under either the Act or the Regulations to provide websites in Irish or bilingually. However, where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding a bilingual website, the public body must fulfil those statutory commitments.

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**12) Are public bodies obliged to advertise in Irish or bilingually?**

There is no obligation on public bodies under either the direct provisions of the Act or the Regulations to advertise in Irish or bilingually. Under subsection 9(1) of the Act, the Minister for Community, Equality and Gaeltacht Affairs has the power to make regulations in relation to advertising but no such regulations have been made to date.

Where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding advertising, the public body must fulfil that statutory obligation. Very few schemes confirmed to date include such a provision and consequently very few public bodies have an obligation to advertise in Irish or bilingually. However, some public bodies choose to advertise in Irish or bilingually as policy and as good practice.

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