

Public Bodies under the Act

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1. What public bodies come under the Official Languages Act?

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, Rural 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, Rural 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 fall under the aegis of the Act is available at www.coimisineir.ie/publicbodies.

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2. How are public bodies brought under the Act?

A list of the public bodies which came under the aegis of the Act when it was enacted in 2003 is provided in the First Schedule to the Act but the Minister for Community, Rural 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.

Statutory Instrument S.I. No.150 of 2006 brought additional public bodies under the Act and removed from the First Schedule the names of public bodies that were no longer in existence.

A full list of the public bodies which currently fall under the legislation is available at www.coimisineir.ie/publicbodies. The Department of Community, Rural and Gaeltacht Affairs intends to make further changes in 2009 to the list of public bodies that come under the Act.

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3. What is required where a public body is uncertain whether it comes under the Official Languages Act?

If a public body is uncertain whether or not it comes under the Act, it should initially view the list of public bodies at www.coimisineir.ie/publicbodies.

If no satisfactory answer is available there, the public body is welcome to consult the Office of An Coimisinéir Teanga and we will be happy to investigate the matter. You may contact us by email at eolas@coimisineir.ie, by phone at 1890 504006 or by post to Oifig an Choimisinéara Teanga, An Spidéal, Co. na Gaillimhe.

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4. What is required where a public body came under the Official Languages Act when it was originally enacted but has since been amalgamated with another body?

If a public body came under the Act when it was enacted but has since been amalgamated with another body, this does not mean that the new amalgamated body automatically comes under the Act unless there was a provision in its establishing legislation indicating that the statutory duties relating to the original body would now fall to the new body.

There is currently an amalgamation underway between LEADER groups and Area Partnership Boards and new titles are being given to the new amalgamated groups. Although it is clear from the First Schedule to the Act that the LEADER groups and the Area Partnership Boards come under the Act, this does not mean that the new amalgamated body automatically comes under the Act unless there was a provision in the establishing legislation or establishing agreement indicating that the statutory duties relating to the original body would now fall to the new body.

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5. Since Vocational Education Committees come under the Official Languages Act, what is the situation regarding schools under the auspices of the VECs?

If the schools form an integral part of the VEC, the VEC must ensure that the schools comply with the provisions of the Act and with the Regulations. However, in the case of a school which is a separate legal entity independent of the VEC, the school does not come under the provisions of the Act or the Regulations.

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