

Answers to questions regarding the Official Languages Act & the Regulations under the Official Languages Act

Advice is provided here on questions which we have recently received from public bodies about the Regulations under the Official Languages Act (S.I. No. 391 of 2008) and about the Act in general. To download the bilingual Guidebook on the Official Languages Act and on the Regulations, please see www.coimisineir.ie.

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General Questions on the Regulations

Recorded oral announcements

What is required under the Regulations where staff have recorded a personal message on their own office phones?

Personal recorded messages on phones are exempt from the Regulations. Therefore, staff may leave personal recorded messages on their own office phones in whatever language they choose.

What is required under the Regulations where recorded oral announcements are provided on phones in offices which are primarily used by foreign nationals?

The Regulations do not prohibit the use of foreign languages on recorded oral announcements as long as the announcements are provided in Irish and English *or* in Irish only.

Do the Regulations apply to systems using recorded oral announcements which are currently in operation?

Yes. The Regulations do not differentiate between systems which are currently in use and new systems. All systems using recorded oral announcements will be subject to the Regulations from 1 July 2013 except in the following cases:

- Recorded oral announcements intended to be heard by persons outside the State only.
- Personal oral messages recorded by staff members in public bodies.
- An Foras Teanga except with regard to its functions in relation to Irish.

Should one official language be given precedence over the other official language on recorded oral announcements?

The Regulations do not specify in which order the official languages should be used on recorded oral announcements. Public bodies have a discretion to decide the order of the

languages used on recorded oral announcements. The advice of this Office is to recommend, if possible, that the user is provided with a menu of options which allows him/her to choose his/her preferred language on the recorded oral announcement (e.g. for services in Irish: press 1; for services in English: press 2 etc).

Do public bodies have a duty to provide the same information in both official languages on recorded oral announcements?

It is implicit in the Regulations that the same information be provided in both official languages on recorded oral announcements when the provision is read in the context of the Regulations as a whole. If the public body uses a menu of options which allows the user to choose his/her preferred language on the recorded oral announcement, this should not create any difficulties for the user who is not competent in a particular official language.

Stationery

What is included as stationery under the Regulations?

Unlike signs which are not defined under the Regulations, the six items of stationery which are subject to the Regulations are clearly listed i.e. notepaper; compliment slips; fax cover sheets; file covers and other folders; labels; envelopes. This means that other stationery items are excluded from the Regulations.

Is the information which is pre-printed on stationery included under the Regulations e.g. information included on headers and footers?

The stationery headings must be provided bilingually or in Irish only on any of the six items which are listed as stationery under the Regulations. This means that the pre-printed information on this stationery must be provided bilingually or in Irish only. This includes information which is pre-printed as part of headers, footers and/or information which is pre-printed anywhere else on these six items of stationery.

Is a motto on stationery included under the Regulations?

If the motto is pre-printed as part of the stationery headings on any of the six items which are listed as stationery under the Regulations, it must be provided bilingually or in Irish only. For example, if the Office of An Coimisinéir Teanga decided to use our motto – Protecting language rights – on our stationery, we would provide it bilingually or in Irish only in order to adhere to the Regulations. If the motto is in another language besides either of the two official languages, for example in Latin, there is no specific obligation mentioned in this regard under the Regulations.

What is required under the Regulations regarding the titles of people who are involved with a public body and who are listed on the public body's stationery?

There is an exemption under the Regulations for people's *names* and there is no obligation to translate a person's name from Irish to English or vice versa. However, if the person's *title* is pre-printed as part of the stationery headings on any of the six items which are listed as stationery under the Regulations, there is an obligation under the

Regulations to provide the person's *title* bilingually or in Irish only on this stationery, for example Chairperson, Secretary, Director.

What is required under the Regulations regarding fax cover sheets?

A fax cover sheet is included as one of the six items which are listed as stationery under the Regulations. This means that the pre-printed information on the stationery headings on the fax cover sheet must be provided bilingually or in Irish only e.g. To; From; Date; Number of pages; Contact details etc. The Regulations do not apply to additional text personally written by individuals on the fax cover sheet.

What is required under the Regulations regarding an SAE or a stamped addressed envelope?

An SAE or stamped addressed envelope is included as one of the six items which are listed as stationery under the Regulations. This means that the pre-printed information on the stationery headings on envelopes must be provided bilingually or in Irish only.

What exactly does the word *label* mean under the Regulations?

No definition has been provided for the word *label* under the Regulations. When no specific definition is provided in an enactment, the legal interpretation rule applies and the entire context in which the word is used and the normal meaning of the word must be taken into account. Therefore, the word *label* means a piece of paper which is stuck to a letter, a file or a folder etc.

A label is included as one of the six items which are listed as stationery under the Regulations. This means that the pre-printed information on the stationery headings on labels must be provided bilingually or in Irish only, for example the public body's contact details. The Regulations do not apply to additional text personally written by individuals on labels, for example *Business Plan* or *Recruitment*.

What is required under the Regulations regarding file covers and other folders used internally and/or externally by public bodies?

File covers and other folders are included as one of the six items which are listed as stationery under the Regulations. This means that the pre-printed information on the stationery headings on file covers and other folders must be provided bilingually or in Irish only. The Regulations do not apply to additional text personally written by individuals on file covers and other folders, for example *Business Plan* or *Recruitment*.

Since the Regulations do not distinguish between file covers and other folders used internally or externally by public bodies, the advice of this Office is that the stationery headings should be provided bilingually or in Irish only on the file covers and other folders irrespective of where they are used.

What is required under the Regulations where remittance advice slips and/or cheques are used by public bodies?

Neither remittance advice slips nor cheques are listed under the six items of stationery which come under the Regulations. Therefore, the advice of this Office is that they are excluded from the Regulations.

However, where remittance advice slips or cheques are attached to a letter provided on the public body's notepaper, the stationery headings on the notepaper must be provided bilingually or in Irish only in accordance with the provisions of the Regulations.

Where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding remittance advice slips and/or cheques, the public body must fulfil that statutory commitment.

What is required under the Regulations where public bodies issue demands e.g. rate demands, parking fine demands etc?

Demands are not listed under the six items of stationery which come under the Regulations. Therefore, the advice of this Office is that they are excluded from the Regulations.

However, where demands are attached to a letter provided on the public body's notepaper, the stationery headings on the notepaper must be provided bilingually or in Irish only in accordance with the provisions of the Regulations.

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

What is required under the Regulations where public bodies issue printed receipts?

Receipts are not listed under the six items of stationery which come under the Regulations. Therefore, the advice of this Office is that they are excluded from the Regulations.

However, where receipts are attached to a letter provided on the public body's notepaper, the stationery headings on the notepaper must be provided bilingually or in Irish only in accordance with the provisions of the Regulations.

If the printed receipt is being issued as the public body's sole response to correspondence in Irish, it must be issued in the language in which the correspondence was received under section 9(2) of the Act.

In addition, where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding receipts, the public body must fulfil that statutory commitment.

What is required under the Regulations where business cards are used by public bodies?

Business cards are not listed under the six items of stationery which come under the Regulations. Therefore, the advice of this Office is that they are excluded from the Regulations.

However, where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding business cards, the public body must fulfil that statutory commitment.

Signs

What exactly does the word *sign* mean under the Regulations?

No definition has been provided for the word *sign* under the Regulations. When no specific definition is provided in an enactment, the legal interpretation rule applies and the entire context in which the word is used and the normal meaning of the word must be taken into account.

The advice of this Office is that a sign is the display of information which includes but is not limited to a warning sign, an informational sign, an instructional sign, a directional sign, a mandatory sign, an emergency sign, a prohibition sign, a hazard or risk sign, a safety sign, an illuminated sign, an electronic sign.

What is required under the Regulations where public bodies erect signs which cannot be seen by the public?

Since the Regulations do not distinguish between signs which are visible to the public and those which are not (i.e. internal signs) and considering the normal meaning of the word *sign*, the advice of this Office is that these signs must be in Irish or bilingual in accordance with the provisions of the Regulations.

What is required under the Regulations where public bodies erect temporary signs?

Since the Regulations do not distinguish between permanent and temporary signs and considering the normal meaning of the word *sign*, the advice of this Office is that these signs must be in Irish or bilingual in accordance with the provisions of the Regulations.

What is required under the Regulations where public bodies erect electronic signs?

Since the Regulations do not distinguish between electronic and non-electronic signs and considering the normal meaning of the word *sign*, the advice of this Office is that these signs must be in Irish or bilingual in accordance with the provisions of the Regulations.

What is required under the Regulations where nameplates are erected on doors in the office of the public body?

The advice of this Office is that nameplates are signs under the Regulations and they must be in Irish or bilingual in accordance with the provisions of the Regulations. There is an exemption under the Regulations for people's names and there is *no* obligation to

translate a person's *name* from Irish to English or vice versa. However, if the person's *title* is on the nameplate, it must be in Irish or bilingual, for example Director.

What is required where public bodies are using vehicles which have signs on them?

The Regulations specifically mention that they apply to signs *placed at any location*. Considering the entire context in which this terminology is used in the Regulations and the normal meaning of the words, the advice of this Office is that signs on vehicles are not placed at a location and therefore, they do not come under the provisions of the Regulations. This applies irrespective of whether the vehicles are in use in the Gaeltacht or outside the Gaeltacht.

This exemption regarding signs on vehicles does not apply to bodies which come under the Transport Act 1950 i.e. CIE, Iarnród Éireann, Bus Éireann and Dublin Bus. Under section 57 of the Transport Act 1950, these public bodies must ensure that all permanent public notices and signs (including the names of stations) are in Irish or bilingual. Therefore, signs on vehicles used by these transport bodies must be in Irish or bilingual under the Transport Act.

What is required where public bodies erect signs to provide information to people trying to locate the office of the public body?

There is an exemption under the Regulations for traffic signs which are covered under the Road Traffic Act 1961. Specifically, these traffic signs come under the Traffic Signs Manual under the Road Traffic Act 1961. Compliance with this element is not a matter for the Office of An Coimisinéir Teanga but as a courtesy we provide the following information:

Under the Traffic Signs Manual, there is an obligation on the National Roads Authority and on local authorities to ensure that placenames on information signs are bilingual throughout the country. Gaeltacht placenames must be erected on signs in Irish only throughout the country.

Even if the information signs do not refer to placenames, the Traffic Signs Manual states that the appropriate authorities must ensure that the information on these signs is bilingual throughout the country.

In a separate provision, section 33 of the Official Languages Act requires that Gaeltacht placenames on a road or street sign erected by or on behalf of a local authority must be in Irish only. It is essential to use the official Irish version of the Gaeltacht placename as specified in the Placenames Order on road or street signs erected by or on behalf of a local authority. The Placenames Orders made to date are available at www.coimisineir.ie.

Under the Official Languages Act, the Office of An Coimisinéir Teanga has the power to investigate complaints where it is alleged that enactments relating to Irish have been contravened. However, since the Traffic Signs Manual is not an enactment (a statute or statutory instrument), this Office does not have the authority to investigate complaints in relation to traffic signs. Therefore, this Office may as a matter of courtesy forward

information in relation to complaints to local authorities in accordance with the spirit of the legislation but this Office cannot conduct official investigations in relation to traffic signs. It should be noted that this limitation does not apply to Gaeltacht placenames under section 33 of the Official Languages Act.

What is required where warning signs are erected such as *Temporary Road Works*?

There is an exemption under the Regulations for traffic signs which are covered under the Road Traffic Act 1961. Specifically, these traffic signs come under the Traffic Signs Manual under the Road Traffic Act 1961.

In the case of warning signs (which includes signs about road works), the Traffic Signs Manual states that these signs usually consist of symbols instead of text. If text is used on these warning signs, the Manual states that the text should be bilingual except where there could be a danger that the impact of the message would be diluted. In that case, the Manual states that separate Irish and English signs should be used.

Under the Official Languages Act, the Office of An Coimisinéir Teanga has the power to investigate complaints where it is alleged that enactments relating to Irish have been contravened. However, since the Traffic Signs Manual is not an enactment (a statute or statutory instrument), this Office does not have the authority to investigate complaints in relation to traffic signs. Therefore, this Office may as a matter of courtesy forward information in relation to complaints to local authorities in accordance with the spirit of the legislation but this Office cannot conduct official investigations in relation to traffic signs.

What is required under the Regulations where building contractors engaged by public bodies erect signs about building work?

If the signs are erected by the building contractor, they do not come under the Regulations and there is no obligation for the signs to be bilingual or in Irish only. However, where the signs about the building work are erected *by the public body itself or on its behalf*, the advice of this Office is that they should be bilingual or in Irish only.

What is required under the Regulations where subcontractors are engaged by public bodies, for example cleaners using signs such as *Wet Floor* in the office of the public body?

If the signs are erected by the subcontractor (a commercial rather than a public body), they do not come under the Regulations and there is no obligation for the signs to be bilingual or in Irish only. However, where the signs about the cleaning work are erected *by the public body itself or on its behalf*, the advice of this Office is that they should be bilingual or in Irish only.

What is required under the Regulations where facilities are leased by the public body, for example shops or restaurants located within the building of the public body?

If the signs in the shop or restaurant are erected by the lessee, they do not come under the Regulations and there is no obligation for the signs to be bilingual or in Irish only. In the

highly unlikely case that the signs in the shop or restaurant are erected *by the public body itself or on its behalf*, the advice of this Office is that they should be bilingual or in Irish only.

What is required under the Regulations where acronyms are used on signs?

The advice of this Office is that the acronym in English should be accompanied by the translated term(s) in Irish only or bilingually. Translation of terms may be confirmed by translators (please see panel of accredited translators on www.gaeilge.ie). A database of terminology is also available on www.gaeilge.ie. Further queries may be made to the Terminology Committee at Foras na Gaeilge at ancoistetearmaiochta@forasnagaeilge.ie. Note that www.focal.ie is also a useful translation tool.

On the sign WC, the advice of this Office is that pictograms of a man and a woman should be used instead of solely using the acronym WC in English only. If the public body wishes to use the acronym WC, the advice of this Office is that the words *Leithris/Toilets* should also be used on the sign.

On the I sign, the advice of this Office is that the words *Eolas/Information* should also be used on the sign.

On the P sign, since the first letter in Irish and in English is synonymous with the word *Parking*, it is sufficient to use the acronym P on the sign although one could also include the words *Páirceáil/Parking* beside the P.

What is required where organisations who provide advice about people with disabilities recommend that a distinction should be made on signs between the text in Irish and in English?

There is no problem ensuring that there is a distinction between the text in Irish and in English on signs once they comply with the provisions of the Regulations. The Regulations state that:

- The text in Irish must appear first.
- The text in Irish must be as prominent, visible and legible as the text in English.
- The letters in the text in Irish must not be smaller in size than the letters in the text in English.

Ultimately it is the public body's responsibility to decide how they wish to implement the provisions of the Regulations in relation to signs (for example using different font colours and/or font styles) but they must ensure that the signs are in accordance with the Regulations.

What is required under the Regulations where public bodies erect signs in Braille or in foreign languages?

The Regulations do not prohibit public bodies from using Braille or other languages besides the two official languages (i.e. Irish and English). Public bodies may use other languages apart from official languages on signs as long as the signs are provided in Irish and English *or* in Irish only.

What is required under the Regulations where signs in English only are displayed on some customer service desks and signs in Irish only are displayed on other customer service desks?

Public bodies have a number of different options under the Regulations:

- Signs may be erected bilingually or in Irish only.
- Two signs, one in Irish and one in English, may be erected at the same location *instead of* one bilingual sign. This is limited to instances where 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.
- Where *more than 20 identical signs* are erected at the same location, the signs may be in Irish only *or* 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.

What is required where health and safety signs are erected by public bodies for example signs prohibiting smoking?

There is an exemption in the Regulations under the Official Languages Act for signs included under the Safety, Health and Welfare at Work Regulations 2007. These Safety Regulations cover pictograms for example:



No Smoking

The Safety Regulations state that the text, for example *No Smoking*, is listed under the pictogram in order to explain the sign but that the text must not be shown on the signboard. The Safety Regulations state that the text may be shown on a separate sign beside the pictogram. The advice of this Office is that the text in English is not part of the pictogram and therefore, there is no exemption for the text in the Regulations under the Official Languages Act.

If health and safety signs come under the Safety Regulations, there is an exemption provided for them in the Regulations under the Official Languages Act and the latter Regulations do not affect those signs. However, where public bodies erect the *No Smoking* pictogram above and erect a sign beside it stating *No Smoking*, they must ensure that the text is bilingual or in Irish only under the provisions of the Regulations under the Official Languages Act.

What is required where health and safety signs are not mentioned under the Safety, Health and Welfare at Work Regulations 2007 e.g. *In case of emergency, break the glass.*

Where the health and safety signs are not mentioned under the Safety Regulations, there is *no* exemption for these signs in the Regulations under the Official Languages Act and they must be erected bilingually or in Irish only.

What is required where notices are erected on notice boards in the public body's offices?

The advice of this Office is that notices erected on notice boards in the public body's offices are not included under signage under the Regulations. A sign is not synonymous with a notice. It is clear that signs are subject to the Regulations but if notices are erected on notice boards about various matters e.g. job vacancies, social events, night classes etc., it is clear that these notices are not subject to the Regulations. Therefore, public bodies are not obliged to ensure that such notices are erected bilingually or in Irish only.

Logos

What is required regarding logos under the Regulations?

The Regulations provide an exemption for logos which means that public bodies are not obliged to translate logos from English to Irish or vice versa. The definition of a logo is generally a graphic which an organisation uses as a symbol to ensure easy recognition.

If the capital letters of the name of the public body are part of the logo, the advice of this Office is that there is no obligation to translate them from English to Irish or vice versa for example:



What is required where the name of the public body is provided with the logo?

If the name of the public body is provided with the logo, the advice of this Office is that the public body must provide the name bilingually or in Irish only in accordance with the provisions of the Regulations for example:



What is required where the motto of the public body is provided with the logo?

If the motto of the public body is provided with the logo, the advice of this Office is that the public body must provide the motto bilingually or in Irish only in accordance with the provisions of the Regulations. For example, if the Office of An Coimisinéir Teanga decided to use our motto – Protecting language rights – on our logo, we would provide it

bilingually or in Irish only in order to adhere to the Regulations. If the motto is in another language besides either of the two official languages, for example in Latin, there is no specific obligation mentioned in this regard under the Regulations.

What is required where a public body is using a registered trademark?

The Regulations under the Official Languages Act provide an exemption for the name of a person, a logo, a brand name or the name of a body besides a public body. Under this exemption, a public body is not obliged in these instances to translate from English to Irish or vice versa.

Since registered trademarks are not included under the Regulations, the advice of this Office is that public bodies may use registered trademarks irrespective of the Regulations once they do not contravene the provisions of the Regulations. Public bodies may use registered trademarks as they see fit for example on brochures, on websites, on marketing materials etc.

However, a registered trademark which is not in compliance with the Regulations may not be used on stationery or on signs under the Regulations unless the registered trademark is amended as follows in order to comply with the Regulations:

- The text in Irish must be provided first;
- The text in Irish must be as prominent, visible and legible as the text in English;
- The letters in the text in Irish cannot be smaller in size than the letters in the text in English.

Therefore, the public body has two choices regarding the aforementioned registered trademark:

- Amend the registered trademark so that it complies with the Regulations and can be used on stationery and signage along with any other usage (for example brochures, websites etc) or
- Use the aforementioned registered trademark which does not comply with the requirements under the Regulations for certain purposes such as on brochures and on websites but it may not be used on stationery or on signs.

Placenames

What is required under the Regulations where placenames are in use by public bodies on signs, on stationery and on recorded oral announcements?

Where a Placenames Order is in force, public bodies are required to use the official Irish version of the placename specified in the Placenames Order in the Irish text on signs, stationery and in recorded oral announcements. The Placenames Orders made to date are available at www.coimisineir.ie.

Additional duties regarding placenames could be placed on a public body under a language scheme.

What is required under the Regulations regarding Gaeltacht placenames on road signs?

With regard to Gaeltacht placenames, section 33 of the Official Languages Act requires that Gaeltacht placenames on a road or street sign erected by or on behalf of a local authority must be in Irish only. It is essential to use the official Irish version of the Gaeltacht placename as specified in the Placenames Order on road or street signs erected by or on behalf of a local authority. The Placenames Orders made to date are available at www.coimisineir.ie.

Public bodies operating outside the State

What is required where public bodies are engaged in commercial activities outside the State?

There is an exemption under the Regulations for public bodies insofar as they conduct commercial activities outside the State.

General Questions on the Official Languages Act

Correspondence

What is required where public bodies receive emails in Irish?

Under section 9(2) of the Act, where a person writes to a public body in Irish, by email or by letter, 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. 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.

What is required where public bodies include certain information as part of the footers of emails e.g. email signatures containing contact details; legal disclaimers?

The provision of information as part of the footers of emails 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 this information bilingually or in Irish only.

However, where a public body has confirmed a language scheme and where commitments have been given in the language scheme regarding the information which is

part of the footer of the email, the public body must fulfil that statutory commitment and publish the email signature containing the public body's contact details and the legal disclaimer bilingually or in Irish only in accordance with its scheme.

What is required regarding *Out of Office* messages on emails?

Under section 9(2) of the Act, where a person writes to a public body in Irish, by email or by letter, that person is entitled to receive a reply in Irish. If an *Out of Office* message is used by staff of a public body where email correspondence is expected to be received in Irish as well as in English, the advice of this Office is to use a bilingual *Out of Office* message. A standard *Out of Office* reply in Irish which can be easily amended could be prepared in advance using numerals for the dates in question.

Publications

What publications are public bodies required to publish bilingually and simultaneously?

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

- Any annual report;
- Any audited accounts or financial statements;
- Any document setting out public policy proposals;
- Any statement of strategy prepared under section 5 of the Public Service Management Act 1997.

Public policy proposals include:

- 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 draft development plan has been agreed by a local authority, is there a requirement to publish the final agreed plan bilingually and simultaneously?

Since there is a requirement under section 10 of the Act to publish the draft development plan bilingually and simultaneously, it stands to reason that the final agreed plan ought to be available in both official languages although the strict statutory requirement arises at the consultation stage.

What is required where public bodies use forms?

The provision of forms in Irish or bilingually 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 forms bilingually or in Irish only. 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, the public body must fulfil that statutory commitment.

What is required where public bodies use information/promotional leaflets or brochures?

In general, the use of Irish in information/promotional leaflets or brochures 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 such leaflets or brochures bilingually or in Irish only, unless such a commitment has been made in the public body's language scheme. A commitment to provide leaflets or brochures in Irish or bilingually in a language scheme is a statutory commitment which must be complied with.

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.

What is required where public bodies issue newsletters?

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 bilingually or in Irish only, unless such a commitment has been made in the public body's language scheme. A commitment to provide newsletters in Irish or bilingually in a language scheme is a statutory commitment which must be complied with.

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.

What is required where public bodies use mail shots?

Under section 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.

Websites

Are public bodies required to provide bilingual websites?

The provision of bilingual 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 under the Regulations to provide websites 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 that statutory commitment.

Advertising

What is required where public bodies use advertising?

There is no obligation on public bodies under either the Act or the Regulations to advertise bilingually or in Irish only. However, 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 bilingually or in Irish only.

Public bodies

Since Vocational Education Committees come under the Official Languages Act and under the Regulations under the Act, what are the implications for schools which are under the auspices of the VECs?

If the schools form an integral part of the VEC, they must ensure that the schools comply with the provisions of the Act and of 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.

What is required where a public body is uncertain as to whether it comes under the Official Languages Act and under the Regulations under the Act?

The list of public bodies which come under the Act are provided in the first schedule to the Act. The Minister for Community, Rural and Gaeltacht Affairs may amend the list of public bodies which come under the Act by signing a Statutory Instrument, as occurred in April 2006 (S.I. No. 150 of 2006 which is available at www.coimisineir.ie). The Department for Community, Rural and Gaeltacht Affairs has indicated to the Office of An Coimisinéir Teanga that the Department will be making additional amendments during 2009 to the list of public bodies which come under the Act.

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

The Minister for Community, Rural and Gaeltacht Affairs has responsibility for amending the list of public bodies under the Act. The Department for Community, Rural and Gaeltacht Affairs has indicated to the Office of An Coimisinéir Teanga that the Department will be making additional amendments during 2009 to the list of public bodies which come under the Act.

Legal Advice

Does the Office of An Coimisinéir Teanga publish its legal advice?

The Office of An Coimisinéir Teanga obtains legal advice for the Office from its independent legal advisors. This legal advice is never published as it is subject to legal privilege.

The advice which this Office provides to public bodies is provided under Section 21(e) of the Official Languages Act but it is not legal advice. It is advice for public bodies regarding their obligations under the Act as opposed to being legal advice.

Public bodies are responsible for obtaining their own legal advice from their own legal advisors irrespective of the advice from this Office.

Costs

How can public bodies cover the costs of implementing the Act?

As a consequence of the consultation period with public bodies prior to the Regulations being signed, it is clear from the Regulations that they come into effect over a period of time. This gives public bodies an opportunity to manage their own resources over a period of time in order to ensure that they are complying with the Regulations in accordance with the target dates. Public bodies should note that these are statutory obligations as opposed to optional extras.

Based on replies to a series of recent Dáil questions, our calculation is that the average direct cost of implementing the Act is circa €60,000 per annum per government department over the past five years. This is based on data from 11 out of the 15 government departments and excludes the cost of the Office of An Coimisinéir Teanga. (See Written Replies Dáil Éireann: 3 February 2009 (Volume 673, No.2).

In general, the advice of this Office is that public bodies should adopt a sensible approach in order to control the cost of providing services bilingually to the public. Language equality or parity should be the objective. Costs could be reduced by for example a more extensive use of online bilingual services; of providing publications and forms bilingually online; and by recruiting staff with competence in both official languages instead of solely in one official language.

Translations

How can public bodies ensure that they are using the correct terminology in Irish?

The Office of An Coimisinéir Teanga does not provide advice on translating terminology to Irish. The advice of this Office is that public bodies should use the panel of accredited translators established by Foras na Gaeilge. At the end of 2008, 125 people had achieved recognition as accredited translators. 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 is available at www.gaeilge.ie.

A terminology database has been developed by Foras na Gaeilge to provide a wide range of basic terminology which should prove helpful to public bodies. The terminology database is available at www.gaeilge.ie. Information is also available at www.focal.ie regarding terminology and at www.logainm.ie regarding place names. If a public body is seeking additional information, they may contact the Terminology Committee at Foras na Gaeilge at ancoistetearmaiochta@forasnagaeilge.ie.