

Distinctions between the responsibilities of the Minister and An Coimisinéir Teanga

Implementation of the Act

The Minister for Culture, Heritage and the Gaeltacht 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 for Culture, Heritage and the Gaeltacht 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/her 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/she 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/her.

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. 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 for Culture, Heritage and the Gaeltacht 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 Culture, Heritage and the Gaeltacht 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 Culture, Heritage and the Gaeltacht 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.