

Tha Bòrd na Gàidhlig a' cur fàilte air a' chothrom seo a beachd a thoirt do Riaghaltas na h-Alba air a' chuspair seo.

Tha an Ro-ràdh Ministreil a' dearbhadh cho cudromach 's a tha Cùirt Fearainn na h-Alba: *Bha i riamh air a meas mar 'bhaistean' còraichean nan teanant, agus gu sònraichte nan croitearan. Chaidh a cur air dòigh mar phàirt den t-siostam reachdail a chaidh a chur an sàs gus na còraichean sin a dhìon ri linn Fuadaichean na Gàidhealtachd san 19mh linn agus strì an fearainn a lean sin.*

Mar a tha am pàipear-conaltraidh ag aithneachadh, tha an riathanas gum feum a' Ghàidhlig a bhith aig co-dhiù aon bhall de Chùirt an Fhearainn air a bhith anns an lagh bhon a' bhliadhna 1912. Aig an àm sin, is gann gun robh taic sam bith aig luchd-labhairt na Gàidhlig fo lagh na dùthcha. Chruthaich an riathanas seo cothrom do luchd-labhairt a' chànain as fheàrr aca a chleachdadh ann an co-dhiù aon shuidheachadh foirmeil a bha cudromach dhaibh. Cuideachd, bha an riathanas na aithneachadh brìghmhor air luach na cànan agus air luach luchd-labhairt na cànan.

An-diugh, tha fada a bharrachd taic ann dhan Ghàidhlig, an dà chuid fo lagh na dùthcha agus lagh eadar-nàiseanta. Cha bhiodh atharrachadh dhen riathanas gum feum a' Ghàidhlig a bhith aig co-dhiù aon bhall de Chùirt an Fhearainn a-rèir spioraid agus is dòcha litir nan laghan sin.

Mar eisimpleir, thug Achd na Gàidhlig (Alba) 2005 do Bhòrd na Gàidhlig an dleasnas coitcheann, a-measg rudan eile, cleachdadh na Gàidhlig adhartachadh gus inbhe na Gàidhlig a dhèanamh teàrainte mar chànain oifigeil na h-Alba a dhleasadh co-ionannachd spèis ris a' Bheurla tro bhith, a-measg rudan eile, a' brosnachadh cleachdadh na Gàidhlig (earrann 1).

Tha ballrachd neach-labhairt na Gàidhlig air Cùirt an Fhearainn a' brosnachadh cleachdadh na Gàidhlig, a' cur an cèill inbhe na Gàidhlig mar chànain oifigeil, agus a' toirt am follais co-ionannachd spèis dhan a' chànain. Bhiodh atharrachadh an riathanais a' dì-

Bòrd na Gàidhlig welcomes the opportunity to contribute its view to Scottish Government on this topic.

The Ministerial forward points out the importance of the Scottish Land Court: *It had always been held in regard as the bastion of tenants', and particularly crofting tenants', rights. It had come into being as part of a statutory regime put in place to protect these rights in the wake of the Highland Clearances of the 19th century and the land "wars" which followed.*

As the consultation document correctly recognises, the requirement that one member of the Land Court be a Gaelic-speaker has existed since 1912. At that time, Gaelic-speakers had almost no protection in law. The inclusion of this requirement created an opportunity for Gaelic-speakers to use their language of preference in at least one institutional setting of importance to them. The requirement also was an important recognition of the worth of the language and of its speakers.

Gaelic now enjoys much greater legal protection under both domestic and international law. The removal of the requirement that one member of the Land Court be a Gaelic-speaker would be incompatible with the spirit and perhaps the letter of such legal protection.

The Gaelic Language (Scotland) Act 2005, for example, gave Bòrd na Gàidhlig the general function of, among other things, promoting the use of the Gaelic language, so as to secure the status of the Gaelic language as an official language of Scotland commanding equal respect to the English language through, among other things, encouraging the use of Gaelic (section 1).

The presence of a Gaelic-speaker on the Land Court encourages the use of Gaelic, gives expression to the status of Gaelic as an official language, and is an important indicator of equal respect for the language. The removal of the

mhisneachadh cleachdadh na Gàidhlig, a' lùghdachadh inbhe na cànan mar chànan oifigeil na h-Alba, agus a' nochdadh dìmeas dhan a' chànan.

A thaobh lagh eadar-nàiseanta, chuir Breatainn a h-ainm ri Càirt Eòrpach nam Mion-chànan agus nan Cànanean Roinneil, cùmhnant eadar-nàiseanta Chomhairle na h-Eòrpa. Ghabh Breatainn ri grunn dhleasnasan sònraichte dhan a' Ghàidhlig, ach fon Chàirt Eòrpaich, tha dleasnas coitcheann aig Breatainn dhan a' Ghàidhlig agus do mhion-chànan eile na poileasaidhean, reachdan agus cleachdaidhean aice a bhonntachadh air diofar phrionnsabailean, nam measg "a bhith a' dèanamh comasach agus/no a' brosnachadh cleachdadh mhion-chànanean no chànanean roinneil, ann an labhairt agus ann an sgrìobhadh, ann am beatha phoblaich agus phrìobhaidich (Earrann 7, paragraf 1 (d)).

Tha ballrachd neach-labhairt na Gàidhlig air Cùirt an Fhearainn an dà chuid a' brosnachadh agus a' dèanamh comasach cleachdadh na Gàidhlig ann an labhairt agus ann an sgrìobhadh anns a' bheatha phoblaich; bhiodh atharrachadh an riatanais a' dì-mhisneachadh agus a' cur bacadh air cleachdadh na Gàidhlig ann an labhairt agus ann an sgrìobhadh sa bheatha phoblaich. 'S e amas na Càirte Eòrpaiche gum bi dùthchannan a' meudachadh thar ùine an dealas aca agus an taic aca do mhion-chànanean leithid na Gàidhlig; rachadh atharrachadh an riatanais gum feum neach-labhairt na Gàidhlig a bhith air Cùirt an Fhearainn an aghaidh an amais seo.

Ged a tha am pàipear-conaltraidh a' cumail a-mach gu bheil e doirbh luchd-labhairt na Gàidhlig a lorg aig a bheil na teisteanas a tha riatanach do bhuill Cùirt an Fhearainn, chan eil e idir soilleir dè an fhianais air a bheil a' bheachd seo stèidhichte. Tha fhathast mòran luchd-lagha ann an Alba aig a bheil a' Ghàidhlig, agus tha oileanaich-lagha fhathast a' dol tro na sgoiltean-lagha ann an Alba gus cùrsa-obrach a thoirt a-mach san lagh.

requirement would discourage the use of Gaelic, would detract from its status as an official language of Scotland, and would be rightly considered to be an indication of disrespect for the language.

With regard to international law, Britain is a party to the Council of Europe's European Charter for Regional or Minority Languages. Britain undertook a number of specific commitments in relation to Gaelic, but is also under a general obligation to Gaelic and to the other regional or minority languages of Britain to base its policies, legislation and practices on a number of principles, including "the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life" (Article 7, paragraph 1 (d)).

The presence of a Gaelic-speaker on the Land Court both encourages and facilitates the use of Gaelic in speech and writing in public life; the removal of the requirement would discourage and obstruct the use of Gaelic in speech and writing in public life. The logic of the Language Charter is that states will increase over time their commitment to and support for minority languages such as Gaelic; the removal of the requirement of a Gaelic-speaker on the Land Court would run against this logic.

While the consultation document claims that it is difficult to find Gaelic-speakers with the necessary qualifications for membership of the Land Court, it is not clear on what basis this claim is made. There are still many Gaelic-speaking lawyers in Scotland and law schools continue to train Gaelic-speakers for a career in the law.

