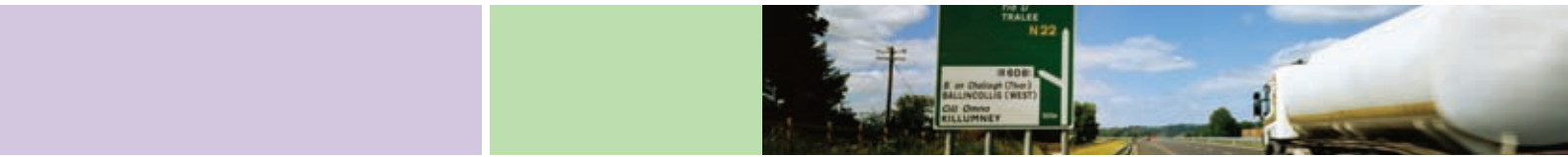


TUARASCÁIL BHLIANTÚIL
ANNUAL REPORT

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TUARASCÁIL BHLIANTÚIL ANNUAL REPORT

2012



Don Aire Ealaíon, Oidhreacht agus Gaeltachta:

De réir alt 30 d'Acht na dTeangacha Oifigiúla, 2003, tá an Tuarascáil seo don bhliain 2012 á cur i láthair ag an gCoimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga

Eanáir 2013

To the Minister for Arts, Heritage and the Gaeltacht:

In accordance with section 30 of the Official Languages Act 2003, this Report for the year 2012 is being presented by An Coimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga

January 2013

RÁITEAS MISIN

“Ag cosaint cearta teanga”

Seirbhís neamhspleách ar ardchaighdeán a chur ar fáil i gcomhlíonadh ár ndualgas reachtúil le cinntiú go ndéanann an státhóras beart de réir a bhriathair maidir le cearta teanga.

Cothrom na Féinne a chinntiú do chách trí ghearáin maidir le deacrachtaí teacht ar sheirbhísí poiblí trí Ghaeilge a láimhseáil ar bhealach atá éifeachtach, gairmiúil agus neamhchlaon.

Eolas soiléir, cruinn a chur ar fáil:

- don phobal maidir le cearta teanga, agus
- do chomhlachtaí poiblí maidir le dualgais teanga.

MISSION STATEMENT

“Protecting Language Rights”

To provide an independent quality service whilst fulfilling our statutory obligations to ensure state compliance in relation to language rights.

To ensure fairness for all by dealing in an efficient, professional and impartial manner with complaints regarding difficulties in accessing public services through the medium of Irish.

To provide clear and accurate information:

- to the public in relation to language rights, and
- to public bodies in relation to language obligations.

CLÁR

Réamhrá	4
Cúlra	10
Seirbhísí Eolais & Cumarsáide	12
Feasacht teanga: an Ghaeilge sna cúirteanna	16
Comhchoiste Oireachtais	18
Faireachán	19
Scéimeanna Teanga	23
Gearáin	34
Imscrúduithe	37
Achoimrí ar Imscrúduithe 2012	39
An Garda Síochána	39
An Roinn Dlí agus Cirt agus Comhionannais	42
Comhairle Baile Inse	45
Suirbhéireacht Ordanáis Éireann	47
An Roinn Caiteachais Phoiblí agus Athchóirithe	50
An tÚdarás Náisiúnta Iompair	52
Ollscoil Luimnigh	54
An Roinn Comhshaoil, Pobail agus Rialtais Áitiúil	57
Feidhmeannacht na Seirbhíse Sláinte	58
Comhairle Contae Chill Dara	59
Comhairle Contae na Gaillimhe	60
Comhairle Contae Dhún na nGall	61
Coiste Gairmoideachais Chontae Bhaile Átha Cliath	64
Banc Ceannais na hÉireann	64
Cúrsaí Airgeadais	66
Úsáid Fuinnimh	67
Foireann agus Sonraí Teagmhála	68

CONTENTS

Foreword	4
Background	10
Information & Communications Services	12
Language awareness: Irish in the courts	16
Oireachtas Joint Committee	18
Monitoring	19
Language Schemes	23
Complaints	34
Investigations	37
Summaries of 2012 Investigations	39
An Garda Síochána	39
Department of Justice and Equality	42
Ennis Town Council	45
Ordnance Survey Ireland	47
Department of Public Expenditure and Reform	50
National Transport Authority	52
University of Limerick	54
Department of the Environment, Community and Local Government	57
Health Service Executive	58
Kildare County Council	59
Galway County Council	60
Donegal County Council	61
County Dublin Vocational Education Committee	64
Central Bank of Ireland	64
Financial Matters	66
Energy Usage	67
Staff & Contact Details	68

RÉAMHRÁ

Ní sárbhliain a bhí in 2012 maidir le cur chun cinn na Gaeilge i státchóras na tíre, agus ar scáth aon choiscéim a tugadh chun tosaigh, ba chosúil go raibh péire á dtabhairt ar gcúl.

Thug figiúirí ón Daonáireamh is deireanaí a foilsíodh le linn na bliana 2012 léargas dearfach go maith maidir le húsáid na Gaeilge sa tír. Léirigh na staitisticí go raibh méadú 7% ón Daonáireamh roimhe sin ar líon na ndaoine sa tír a dúirt go raibh Gaeilge acu, méadú 7% ar líon na ndaoine lasmuigh den chóras oideachais a dúirt gur úsáid siad an teanga go laethúil, agus méadú 3% ar líon na ndaoine sa Gaeltacht a dúirt gur úsáid siad an teanga go laethúil lasmuigh den chóras oideachais.

Claonadh dearfach agus dea-scéala atá sna staitisticí sin. Níl aon amhras orm ach go mbeadh na staitisticí ní ba shláintiúla fós dá mbeadh beart á dhéanamh ag an Stát de réir briathair fad is a bhaineann sé leis an tacaíocht a thugtar don teanga. Tá cuid mhór den phobal i gcoitinne ar son chaomhnú agus chur chun cinn na teanga agus tá sin léirithe go soiléir i dtaighde agus i suirbhéanna éagsúla in imeacht na mblianta. Tá, áfach, dar liom, bearna shuntasach idir mianta an phobail i leith na teanga agus iarracht an státchórais féin i leith na teanga.

Scéimeanna teanga

Cé gur dhaingnigh an Roinn Ealaíon, Oidhreacht agus Gaeltachta naoi gcinn bhreise de scéimeanna teanga le comhlachtaí poiblí faoi Acht na dTeangacha Oifigiúla le linn na bliana 2012, tháinig méadú níos suntasaí fós ar líon na scéimeanna teanga a bhí imithe “in éag” gan athnuachan a bheith déanta orthu. Agus, arís eile, mhéadaigh an mheántréimhse ama a bhfuil scéimeanna teanga fágtha gan athnuachan.

Tá córas na scéimeanna teanga i gcroílár na reachtaíochta agus braitear ar an gcóras sin le forbairt a dhéanamh ar líon agus ar chaighdeán na seirbhísí trí Ghaeilge a sholáthraíonn comhlachtaí poiblí.

San iomlán, as na 104 scéim teanga a bhí daingnithe ó thús aimsire le comhlachtaí poiblí, bhí 79 acu sin “in éag” faoi dheireadh na bliana 2012; is ionann sin agus trí scéim as gach ceithre cinn nó 75% ar fad a bheith in éag. Bhí 11 de na scéimeanna teanga sin in éag le tréimhse ama ceithre bliana ar a laghad agus 13 eile acu in éag le breis agus trí bliana. Tá mioneolas faoi na comhlachtaí poiblí a bhfuil a gcuid scéimeanna teanga imithe in éag agus iad sin a bhfuil athnuachan déanta orthu le fáil sa Tuarascáil seo.

Sa bhreis air sin, bhí 39 comhlacht poiblí eile ann a raibh an chéad dréachtscéim iarrtha orthu ach nach raibh siad aontaithe ná daingnithe fós mar scéimeanna ag an Aire Ealaíon, Oidhreacht agus Gaeltachta faoi dheireadh 2012. I gcás deich gcinn acu sin, bhí breis agus sé bliana imithe ó iarradh orthu an dréachtscéim a ullmhú.

Cé go bhfuil rabhaidh rialta á dtabhairt agam ar an ábhar seo le blianta, is mór é m'inné gur cosúil go bhfuil teipthe tríd is tríd anois ar chóras daingnithe na scéimeanna teanga a bheith curtha ar aon bhonn fónta nó seasmhach.

FOREWORD

2012 was not a vintage year for the promotion of the Irish language in the public sector and for every one step forward there appeared to have been two steps backwards.

Statistics from the most recent Census published during 2012 gave a reasonably positive picture of the use of Irish in the country. The figures revealed an increase of 7% from the last Census in the number of people in the country who said they had Irish and an increase of 7% in the number of people who said they used the language on a daily basis, outside the education system, as well as an increase of 3% in the number of people in the Gaeltacht who said they used the language on a daily basis outside the education system.

These statistics indicated a positive trend and are good news. The statistics would be even better if the State delivered on its promise in providing support for the language. A large proportion of the general public are in favour of the preservation and promotion of the language as is evident in research and surveys undertaken over the years. However, to my mind, there is a considerable gap between the wishes of the public in relation to the language and the efforts of the State on the issue.

Language schemes

While the Department of Arts, Heritage and Gaeltacht confirmed an additional nine language schemes under the Official Languages Act during 2012, there was an even more significant increase in the number of language schemes that “expired” without renewal. In addition, there was a further increase in the average length of time language schemes remained without being renewed.

The language scheme system is at the very heart of the legislation and any development in the number and quality of services in the Irish language provided by public bodies is dependent on this mechanism.

Overall, of the 104 language schemes that were confirmed from the outset by public bodies, a combined total of 79 had “expired” by the end of 2012; this means that 3 out of every 4 or 75% of all schemes had expired. In the case of 11 of these language schemes, they had expired for a period of at least four years and a further 13 had expired for more than three years. Details of the public bodies whose schemes have expired and those whose schemes have been renewed are available in this Report.

In addition, there were 39 other public bodies whose first draft scheme had been requested by the Minister for Arts, Heritage and the Gaeltacht but for whom no scheme had been agreed or confirmed by the end of 2012. In the case of ten of these, more than six years had elapsed since they were first asked to prepare a draft scheme.

Although I have issued regular warnings on this matter over a number of years, I am concerned, now more than ever, that there is no secure or stable basis to the system for confirming language schemes.

Leasú scéime

Cuireadh beart suntasach eile i gcrích le linn 2012 a d'fhéadfadh a bheith ina fhasach contúirteach do chóras na scéimeanna teanga: den chéad uair riamh, leasaíodh scéim teanga le dualgas a bhí daingnithe ansin a chealú ar fad nuair a rinne duine den phobal gearán nach raibh an dualgas sin á chomhlíonadh.

Scéim teanga na Roinne Dlí agus Cirt agus Comhionannais a bhí i gceist agus ba dhualgas neafaiseach go maith a bhí daingnithe, gan aon chostas arbh fhiú cainte air a bheith ag baint leis agus a bhí simplí go leor le cur i bhfeidhm: an chuid “Oiriúnach le Breathnú” de lipéid físeán/dioscaí digiteacha ilúsáide de chuid Oifig Aicmithe Scannán na hÉireann a bheith i bhformáid dhátheangach.

Ba thrua, i bhfianaise shoiléireacht an ghealltanais agus gan aon deacracht dhosháraithe a bheith i gceist lena chomhlíonadh, nár cloíodh go cuí leis an ngealltanais. Bhí an gealltanais seo aitheanta ag an Roinn sin féin mar thosaíocht sa scéim teanga chuí, agus seachas an gealltanais a fheidhmiú, spreag gearán ó dhuine den phobal cealú iomlán an ghealltanais sin i ndeireadh na dála.

Chuir mé in iúl don Roinn Ealaíon, Oidhreacht agus Gaeltachta dá mb'fhasach é seo – gur féidir le comhlacht poiblí, nach maith leis gearán a bheith déanta ina leith nó an toradh a bheadh ar imscrúdú, achainí a dhéanamh ar an Roinn sin an dualgas a bhí daingnithe i scéim teanga a chealú agus go ngéilltear don iarratas sin – gur bhocht an scéal é. Cúlú agus cúngú suntasach a bheadh ann ar na príonsabail a bhaineann le cearta teanga an phobail mar a dhaingnítear iad i scéimeanna teanga agus ba bhuille eile fós é d'inchreidteacht chóras na scéimeanna teanga mar atá siad á bhfeidhmiú faoi stiúir na Roinne.

Comhchoiste Oireachtais

Le linn na bliana 2012, fuair mé cuireadh den chéad uair fianaise a thabhairt don Chomhchoiste Oireachtais um Imscrúduithe, Formhaoirsiú agus Achainíocha i dtaca le tuarascálacha a bhí curtha i láthair Thithe an Oireachtais agam maidir le teip comhlachtaí poiblí áirithe na moltaí a bhí déanta agam de thoradh imscrúduithe a chur i bhfeidhm go cuí agus go críochnúil.

Bhain na tuarascálacha le Feidhmeannacht na Seirbhíse Sláinte (Réigiún an Iarthair), le hArd-Mhúsaem na hÉireann, agus leis an Roinn Coimirce Sóisialaí. Fáiltím go mór roimh obair an Chomhchoiste Oireachtais agus is mór an tacaíocht é d'obair na hOifige seo. Feictear domsa gur dúshlán é do cheart chomhaltaí Thithe an Oireachtais reachtaíocht a achtú más féidir le heagraíocht stáit neamhaird a dhéanamh den reachtaíocht sin. Is ceart a lua gur eisceachtaí, tríd is tríd, iad na cásanna inar gá dom tuarascáil speisialta ina leith a chur faoi bhráid Thithe an Oireachtais agus, de ghnáth, bíonn comhoibriú maith ann idir m'Oifig agus formhór na n-eagraíochtaí stáit. Tagaimid ar réiteach ar fhadhbanna go neamhfhoirmiúil nó, más gá dúinn imscrúdú a dhéanamh, cuirtear na moltaí i bhfeidhm go cuí.

Tuigim go raibh fiosrúchán foirmiúil fós idir lámha ag deireadh na bliana 2012 ag an gComhchoiste Oireachtais um Imscrúduithe, Formhaoirsiú

Amended scheme

A further significant step was taken during 2012 that could prove a dangerous precedent with regard to the language scheme system: for the first time ever, a scheme was amended to cancel an obligation that had previously been confirmed when a member of the public complained that the public body in question was not in compliance with this obligation.

The scheme concerned was that of the Department of Justice and Equality and the obligation involved was a fairly innocuous one that cost little and was relatively simple to implement: a requirement that the “Fit for viewing” section of video/ DVD labels supplied by the Irish Film Classification Office be produced in bilingual format.

It was a pity, in view of the clarity of the commitment and since no insurmountable difficulty existed, that appropriate compliance was not forthcoming. The Department itself had identified this commitment as a priority in its language scheme, and rather than ensuring its implementation, a complaint from a member of the public resulted eventually in the removal of the commitment.

I informed the Department of Arts, Heritage and the Gaeltacht that it was a poor show if a public body which was unhappy with a complaint or which had a finding made against it could successfully appeal to the Department to be granted the annulment of such an obligation that was previously confirmed in a language scheme. This would be a significant regression and a restriction of the principles concerning the public's language rights as confirmed in language schemes and would be an additional blow to the credibility of the language scheme system as operated by the Department.

Oireachtas Joint Committee

During 2012, I was invited for the first time to give evidence to the Oireachtas Joint Committee on Investigations, Oversight and Petitions in relation to reports that I had laid before the Houses of the Oireachtas concerning the failure of certain public bodies to appropriately and fully implement recommendations I had made following investigations.

The reports concerned the Health Service Executive (Western Region), the National Museum, and the Department of Social Protection. I welcome the efforts of the Oireachtas Joint Committee which add significant value and support the work of my Office. I believe that it is a challenge to the authority of members of the Oireachtas to enact legislation if a public body can ignore such legislation. It should be mentioned, generally, that the cases where I am obliged to lay special reports before the Houses of the Oireachtas are exceptional ones and usually my Office enjoys a good working relationship with most public bodies. Issues are normally resolved in an informal manner, and where investigations are necessary, the recommendations are usually implemented in an appropriate manner.

I understand the Oireachtas Joint Committee on Investigations, Oversight and Petitions was at the end of 2012 still involved in a formal

agus Achainíocha i dtaca leis an gcóras faoina dtugtar aitheantas do chumas sa Ghaeilge i gcomórtais um ardú céime sa Státseirbhís, de thoradh na tuarascála ar an ábhar ón Oifig seo, agus gur tugadh cuireadh do cheithre chomhlacht phoiblí fianaise a chur i láthair an Chomhchoiste faoin gceist.

Athchóiriú

Tá an easpa foirne le hinniúlacht in dhá theanga oifigiúla an Stáit ar cheann de na cúiseanna is mó go mbíonn deacrachtaí ag comhlachtaí poiblí a gcuid seirbhísí a sholáthar don phobal i nGaeilge chomh maith le Béarla. Le linn na bliana 2012, thug an tAire Caiteachais Phoiblí agus Athchóirithe le fios dom go mbeadh na cúraimí i dtaca le hoiliúint agus tástáil cumais i nGaeilge sa Státseirbhís, a bhíodh go nuige seo ar Ghaeleagras, á n-aistriú go dtí an Roinn Ealaíon, Oidhreacht agus Gaeltachta ó thús 2013. Thug mé le fios i dtuarascáil ar imscrúdú a bhain leis an Roinn Caiteachais Phoiblí agus Athchóirithe gur cur amú ama agus cur i gcéill a bheadh ann mura mbeadh de thoradh ar an athrú seo ach go ndaingneofaí arís an córas lochtach céanna a bhfuil fios againn anois, tar éis tréimhse 40 bliain, nach bhfuil ag éirí leis a chinntiú go bhfuil dóthain foirne le Gaeilge ag leibhéil éagsúla ar fud na Státseirbhíse. Mheabhraigh mé freisin go raibh deis stairiúil anois ann dul i ngleic go foirfe leis an gceist.

Thug an tAire Caiteachais Phoiblí agus Athchóirithe le fios dom go mbeadh deis san aistriú seirbhíse chuig an Roinn Ealaíon, Oidhreacht agus Gaeltachta na cleachtais reatha a athchóiriú agus go raibh a Roinn féin tiomanta do mheicníochtaí a chur ar fáil trínar féidir le ranna teacht ar na scileanna nó iad a fhorbairt chun a gcuid seirbhísí a sheachadadh go dátheangach. Dá dtapófaí an deis sin, agus dá ndéanfaí beart de réir briathair, d'fhéadfaimis a bheith ar thairseach ré nua i soláthar seirbhísí stáit trí Ghaeilge chomh maith le Béarla.

Gearáin agus Imscrúduithe

Le linn na bliana 2012, dhéileáil m'Oifig le 756 cás i dtaca le deacrachtaí nó fadhbanna le seirbhísí stáit á fháil trí Ghaeilge – an bhliain ba mhó ar cuireadh gearáin ón bpobal i láthair na hOifige ó bunaíodh í. B'ionann sin agus méadú 3% ar líon na gcásanna a bhí ann an bhliain roimhe sin. Mar is gnách, ba ó dhaoine aonair sa phobal i gcoitinne, ó ghníomhairí teanga agus ó eagraíochtaí teanga a tháinig na gearáin sin.

Réitíodh formhór mór na gcásanna sin trí idirbheartaíocht neamhfhoirmiúil leis an gcomhlacht poiblí cuí nó trí chomhairle a chur ar an ngearánach.

Seoladh 13 cinn d'imscrúduithe foirmiúla le linn na bliana 2012 sa bhreis ar cheithre cinn a bhí fós idir lámha ó dheireadh na bliana roimhe sin. Tugadh chun críche 12 cheann de na himscrúduithe sin, scoireadh de péire, agus bhí na trí cinn eile fós idir lámha ag deireadh na bliana. Tá achoimre ar na cásanna a bhí i gceist sa chaibidil den Tuarascáil seo dar teideal "Imscrúduithe". Ní théitear i mbun imscrúdú ach amháin nuair atá an chosúlacht ann go bhfuil sárú reachtúil tarlaíthe agus nuair a theipeann ar iarracht neamhfhoirmiúil comhréitithe.

investigation concerning the credit given for competence in Irish in internal promotion competitions in the Civil Service, arising from a report issued by my Office, and that four public bodies had been invited to furnish evidence to the Joint Committee on this matter.

Reform

An absence of staff with competence in both official languages of the State is one of the main factors restricting state bodies in their delivery of services to the public in Irish as well as in English. During 2012, the Minister for Public Expenditure and Reform informed me that the responsibility for the training and evaluation of competence in Irish in the Civil Service, previously vested in Gaeleagras, would be transferred to the Department of Arts, Heritage and the Gaeltacht from the beginning of 2013. I suggested in a report on an investigation that such a move would be merely a pretence and a waste of time if it simply reinforced the same defective arrangements which have patently failed in over 40 years to ensure that there is an adequate number of staff with competence in Irish at various levels throughout the Civil Service. I suggested that the circumstances provided a historic opportunity to engage with this issue in a meaningful way.

The Minister for Public Expenditure and Reform informed me that the transfer of services to the Department of Arts, Heritage and the Gaeltacht would provide an opportunity to reform the current practices and that his own department was committed to finding the mechanisms which would ensure that departments could access or develop the skills to provide their services in a bilingual manner. If this opportunity were seized, and if words were matched with deeds, we could be on the threshold of a new era as far as the provision of state services through Irish as well as English is concerned.

Complaints and Investigations

During 2012, my Office dealt with 756 cases of difficulties or problems accessing state services through Irish – the largest number of complaints from the public to the Office since its establishment. This represented an increase of 3% on the number of cases in the previous year. The complaints came from individuals in the general public, from language activists and from language organisations.

The vast majority of cases were resolved by means of informal negotiations with the relevant public body or by providing advice to the complainant.

A total of 13 formal investigations were commenced during 2012 in addition to four which were ongoing from the previous year. Of these investigations, 12 were concluded, two were discontinued, while three others were still in progress at year-end. Summaries of the investigations are in the chapter of this Report entitled "Investigations". Investigations are only undertaken when it appears that a breach of a statutory obligation has occurred and when informal efforts have failed to resolve the issue.

An Garda Síochána

Is dócha go measfar go raibh imscrúdú a bhain leis an nGarda Síochána ar an gceann ba shuntasáí a tugadh chun críche le linn 2012. Bhain an cás le fear óg a rinne iarracht a chuid gnó a dhéanamh trí Ghaeilge le Gardaí a stop é le cion tráchtá a chur ina leith. Ní miste a lua nár bhain an eachtra le haon timpiste ná le haon líomhaintí faoi thiomáint faoi luas nó faoi thionchar óil.

B'ábhar suntais dom le linn an imscrúdaithe nach raibh Gardaí a raibh a gcuid oideachais faighte acu i gcóras scolaíochta na tíre seo agus nach raibh a gcuid oiliúna mar Ghardaí sa Teampall Mór críochnaithe acu ach le beagán blianta roimhe sin ábalta "Cad is ainm duit?" a fhiafraí ná seoladh tiománaí a lorg trí Ghaeilge ar thaobh an bhóthair. Ní raibh córas foirfe tacaíochta ar fáil dóibh ar an ócáid lena n-idirbheartaíocht a éascú le duine den phobal a roghnaigh a chuid gnóthaí a dhéanamh leo trí Ghaeilge gan é a ghabháil agus a thionlacan i nglais lámh chuig stáisiún Gardaí, áit ar coinníodh é go dtí go raibh fáil ar Gharda a bhí in ann déileáil leis trí Ghaeilge. Bhí éadoimhneacht na tuisceana i dtaca le cearta an phobail i leith dhá theanga oifigiúla an Stáit ina ábhar spéise dom freisin agus bhí suntas ar leith le tabhairt don dearcadh gur cheart déileáil le duine a roghnódh a chuid gnó a dhéanamh trí Ghaeilge amháin is gur "náisiúnach ón gcoigríoch" é/i i dtír ina maítear ina bunreacht gurb í an Ghaeilge an phríomhtheanga oifigiúil ós í an teanga náisiúnta í. Cuireadh úsáid na Gaeilge agus déileáil le náisiúnach eachtrach sa spás céanna go rialta sa dioscúrsa a bhain leis an imscrúdú.

Ábhar sásaimh dom, áfach, tuairisc a fháil a léirigh an dearcadh dearfach ó Choimisinéir agus ó lucht ardbhainistíochta an Gharda Síochána maidir leis na moltaí a rinne mé tar éis an cás a imscrúdú agus ba léir gur mhian leo athrú córais a thabhairt i bhfeidhm le cinntiú nach dtarlódh a mhacasamhail d'eachtra arís. Tá deimhnithe dom go bhfuil céimeanna fiúntacha á gcur i gcrích i dtaca le feachtas teanga, oiliúint, forbairt cleachtas agus prótacail nua ag eascairt as torthaí an cháis seo.

Comharthaí tráchtá

Tá úsáid na Gaeilge ar chomharthaí tráchtá na tíre ar an léiriú is feiceálaí ar pholasáí an Stáit i leith ár dteangacha oifigiúla, Gaeilge agus Béarla. Caithfidh údarais bóithre na tíre cloí leis na dualgais atá leagtha orthu maidir le húsáid na dteangacha sin ar chomharthaí tráchtá faoin *Lámhleabhar do Chomharthaí Tráchtá*. Is minic m'Oifig ag déileáil le gearáin faoi shárú ar na dualgais sin.

Mar thoradh ar shraith leanúnach gearán ó dhuine a bhí san airdeall ar chomharthaíocht tráchtá i mBéarla amháin in Inis, Co. an Chláir, rinne m'Oifig imscrúdú ar leith ar an gcás le linn 2012. Bhí sé i gceist ag an gComhairle Baile fadhb stairiúil le comharthaí a bhí ag teacht salach ar an dualgas reachtúil teanga a réiteach ar bhonn céimnithe, trí chlár pleanáilte, ach de bharr cúngú ar acmhainn airgeadais agus foirne na Comhairle de thoradh na géarchéime sa gheilleagar, bhí cuid mhaith den fhadhb gan réiteach.

Ba shuntasach an rud é go ndearna an Chomhairle iniúchadh dá cuid féin ar líon na gcomharthaí a bhí ag teacht salach ar na dualgais reachtúla teanga agus go bhfuarthas amach i suirbhé ar leath amháin den bhaile go

An Garda Síochána

An investigation involving An Garda Síochána will probably be seen as one of the more significant cases concluded in 2012. The case involved a young man who attempted to conduct his business through the medium of Irish with Gardaí who stopped him in relation to a road traffic matter. It should be clarified that the issue did not involve an accident or any allegations concerning speeding or driving under the influence of alcohol.

I was struck during the investigation by the fact that Gardaí who had received their education within this country's schools system and had finished their training in Templemore some short years previously had insufficient command of Irish to ask a driver when stopped at the roadside "Cad is ainm duit?" or to seek his address through the medium of Irish. No adequate support was available to them to facilitate their interaction with a member of the public who opted to conduct his business in Irish without arresting and escorting him in handcuffs to a Garda station where he was detained until a Garda was found who could deal with him through Irish. The shallowness of understanding of the public's right to choose to use either official language of the country was of interest to me and, in particular, the attitude which suggested that someone who sought to conduct their business through Irish should be treated in a similar manner to a "foreign national" in a country whose constitution defines Irish as the first official language as it is the national language. The discourse during the investigation regularly had using Irish and dealing with foreign nationals in the same space.

The positive attitude of the Garda Commissioner and senior management to the implementation of the recommendations I made on foot of this investigation is a matter of some satisfaction to me and it appears that they sought to introduce systematic change in order to avoid a repetition of similar incidents. It has been confirmed to me that this case has resulted in significant steps being taken in relation to language awareness and training as well as the development of new practices and protocols in this area.

Traffic signs

The use of Irish on the country's traffic signs is the most visible illustration of the State's policy regarding our official languages, Irish and English. The road authorities are obliged to adhere to the obligations imposed on them with regard to the use of those languages on traffic signs under the *Traffic Signs Manual*. My Office deals with regular complaints of non-compliance in this area.

On foot of a series of complaints from an individual who was alert to a profusion of English only traffic signs in Ennis, Co. Clare, my Office conducted a formal investigation during 2012. Ennis Town Council had indicated that it had intended dealing with a historic problem of traffic signs not in compliance with statutory language requirements in a planned programme on a gradual basis over a period of time but a reduction in both financial and personnel resources due to the economic crisis left much of the issue unresolved.

It was significant that the Council had initiated its own audit of the number of traffic signs not in compliance with the statutory language regulations

raibh 332 comhartha poiblí a raibh amhras faoina mbailíocht; ar an mbonn sin, d'fhéadfadh suas le 650 comhartha neamhbhaílí a bheith in Inis. Is léir sna cásanna seo gur caitheadh acmhainn shuntasach airgeadais stáit a bhí leagtha amach do chomharthaíocht dhátheangach ar chomharthaí i mBéarla amháin, beag beann ar dhualgais reachtúla.

Tá an baol ann nach bhfuil Inis eisceachtúil ar bhealach ar bith ó limistéir eile nár cloíodh go cuí i gcónaí iontu leis an reachtaíocht a bhaineann le comharthaíocht dhátheangach, ach tugann an t-iniúchadh a rinne an Chomhairle Baile léargas ar scála na faidhbe. Ní bheifí ina dhiaidh ar dhuine a mbeadh amhras air in amanna go bhféadfadh sé tarlú i gcásanna ar leith go dtiocfadh le polasaí “áisiúlacht phearsanta” sa réimse seo teacht salach ar an riachtanas géilleadh do dhualgais sheanbhunaithe a bhí daingnithe le hordacháin reachtúla. Éilíonn údaráis áitiúla ar an bpobal a bheith géilliúil don dlí i dtaca le hioc cíosa agus rátaí, táillí bruscair, Muirear Teaghlaigh nó eile agus mar an gcéanna is gá d'údaráis áitiúla cúram a dhéanamh dá ngéilliúlacht féin don dlí, ar a n-áirítear rialacháin maidir le comharthaí tráchta dhátheangacha.

Géilliúlacht

Le linn 2012, lean m'Óifig le clár mioniniúchtaí ar chomhlachtaí poiblí le monatóireacht a dhéanamh ar chomhlíonadh fhorálacha Acht na dTeangacha Oifigiúla. Mar a tharla blianta eile, díríodh an chuid is mó d'acmhainn faireacháin na hÓifige ar iniúchadh a dhéanamh ar chur i bhfeidhm na scéimeanna teanga. Ach cruthaíonn an folús atá cruthaithe i ndaingniú scéimeanna teanga nua nó in athnuachan scéimeanna teanga atá imithe in éag deacrachtaí leanúnacha don Óifig. Díríodh freisin ar iniúchtaí a dhéanamh ar na bealaí inar cuireadh i bhfeidhm moltaí a rinneadh i dtuarascálacha ar imscrúduithe a críochnaíodh roimhe seo. Tá eolas cuimsitheach tugtha faoi iniúchtaí teanga na hÓifige seo sa bhliain 2012 sa chaibidil dar teideal “Faireachán” sa Tuarascáil seo.

Ócáid cearta teanga

Le linn 2012, d'eagraigh m'Óifig – i gcomhar le Músaem Cathrach na Gaillimhe agus Conradh na Gaeilge – ócáid feasachta ar chearta teanga sna cúirteanna trí chomóradh a dhéanamh ar chás Dhúnmharuithe Mhám Trasna a tharla 130 bliain ó shin. Bhí Uachtarán na hÉireann, Micheál D. Ó hUiginn, ina measc siúd a bhí i láthair ag an ócáid. Eagraíodh an ócáid ar an 15 Nollaig, mar ómós do Mhaolra Seoighe, a cuireadh chun báis go héagórach cothrom an lae sin 130 bliain ó shin. Ciontaíodh é as a bheith páirteach i ndúnmharú teaghlaigh i Mám Trasna ar theorainn na Gaillimhe agus Mhaigh Eo sa bhliain 1882: crochadh agus cuireadh é ar láthair Phríosún na Gaillimhe san áit a bhfuil Ardeaglais na Gaillimhe anois.

Fear Gaeltachta gan Bhéarla a bhí ann ach ní raibh aon Ghaeilge ag an dlíodóir ná ag na habhcóidí a bhí á chosaint os comhair cúirte i mBaile Átha Cliath. Ní raibh aon Ghaeilge ag an mbreitheamh ná ag baill an ghiúiré agus níor thóg sé ach faoi bhun sé nóiméad orthu teacht ar chinneadh go raibh sé ciontach agus é a dhaoradh chun báis. Rinneadh neamhaird dá fhianaise i nGaeilge, coinníodh siar ón gcúirt fianaise a chabhródh lena chosaint agus thug brathadóirí fianaise bhréige ina aghaidh.

and in one half of the town alone 332 signs were identified whose validity was in doubt; on that basis, there may be up to 650 invalid public signs in Ennis. A significant expenditure of state resources allocated for bilingual signage was used for signage in English only in these cases, notwithstanding the statutory obligations that were being breached.

It is probable that Ennis is in no way unique in this regard and that other areas may also not always have complied with the legislation concerning bilingual signage, but Ennis Town Council's own audit gives an overview of the scale of the problem. A person could be forgiven for suspecting in certain cases that it may have happened that a policy of “personal convenience” might have been in conflict with the requirement to comply with long established obligations confirmed in statutory regulations. Local authorities require the public to comply with the law in regard to the payment of rent and rates, refuse and Household Charges, and other fees. Equally, local authorities themselves are also obliged to ensure their own compliance with the law, including regulations concerning bilingual traffic signage.

Compliance

In 2012, my Office continued a programme of detailed audits of public bodies in order to monitor compliance with the provisions of the Official Languages Act. The monitoring capacity of the Office was mainly focused on the implementation of language schemes. The vacuum created because of the non-confirmation of new or updated language schemes is causing continuing difficulties for the Office. Audits were also conducted to ascertain how public bodies were implementing recommendations made on foot of previous investigations. Comprehensive information in relation to the language audits completed by the Office during 2012 is given in the chapter entitled “Monitoring” in this Report.

Language rights event

During 2012 my Office – in collaboration with Galway City Museum and Conradh na Gaeilge – organised a language rights awareness initiative by commemorating the “Maamtrasna Murders” case of 130 years ago. The attendance at the event included the President of Ireland, Michael D. Higgins. The event was organised on December 15 in memory of Maolra Seoighe/Myles Joyce who was unjustly executed on that day, 130 years previously. He had been convicted in connection with the slaughter of a family in a remote valley on the Galway-Mayo border in 1882 and was hanged and buried at the then Galway Gaol on the site where Galway Cathedral now stands.

A native Irish speaker from the Gaeltacht, Maolra Seoighe, who had no English, was defended in court in Dublin by a solicitor and barristers who spoke no Irish. The judge and jury who convicted him had no Irish and the jury deliberated for less than six minutes to decide on his guilt before sentence of death was passed. The evidence he gave in Irish was ignored in court while evidence that might have helped his defence was withheld and informers gave false evidence against him.

Bhí sé mar aidhm ag an ócáid feasacht a spreagadh faoi chearta reachtúla an phobail anois a rogha teanga oifigiúil a úsáid sna cúirteanna, agus tacú le feachtas atá ar bun sa Bhreatain ag roinnt ball de Thithe na Parlaiminte ansin faoi cheannaireacht na dTiarnaí Alton agus Avebury tabhairt ar údarais na Breataine anois féachaint athuair ar chás Mhaolra Seoighe agus a fhógairt go raibh iomrall ceartais i gceist agus gur go héagórach a ciontaíodh agus a cuireadh chun báis é.

Athbhreithniú ar an Acht

Tháinig deireadh ar an 31 Eanáir, 2012 le tréimhse comhairliúcháin phoiblí a d'eagraigh an Roinn Ealaíon, Oidhreacht agus Gaeltachta maidir le hathbhreithniú a dhéanamh ar Acht na dTeangacha Oifigiúla i gcomhréir le gealltanas i gclár oibre an Rialtais. Cé is moite de staitisticí a thabhairt faoi pháirtíocht an phobail sa phróiseas sin – go raibh timpeall 1,400 freagra ar shuirbhé maidir le seirbhísí trí Ghaeilge ó chomhlachtaí poiblí chomh maith le 260 aighneacht ó iliomad páirtithe leasmhara – níor fhoilsigh an Roinn Ealaíon, Oidhreacht agus Gaeltachta fós, faoi dheireadh na bliana 2012, aon eolas ná anailís ar mhianta an phobail mar a léiríodh iad sa phróiseas comhairliúcháin phoiblí sin. Tá moltaí cuimsitheacha foilsithe ag m'Oifige ón mbliain 2011 maidir leis na leasuithe a mheasaimid ba cheart a dhéanamh ar Acht na dTeangacha Oifigiúla i bhfianaise ár dtaithí ar fheidhmiú na reachtaíochta le blianta anuas.

Cónascadh

Fógraíodh i Samhain na bliana 2011 go raibh cinneadh déanta ag an Rialtas Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman faoi Phlean Athchóirithe an Rialtais don tSeirbhís Phoiblí. Fógraíodh athuair i mí na Samhna, 2012 go rachfaí chun cinn leis an gcónascadh sin agus go n-aistreofaí cumhachtaí agus feidhmeanna reachtúla an Choimisinéara Teanga faoi Acht na dTeangacha Oifigiúla chuig an Ombudsman agus go dtarmilgí ar ais iad chuig an gCoimisinéir Teanga faoi reachtaíocht leasaithe nach raibh foilsithe fós faoi dheireadh na bliana 2012. Dúradh freisin go leanfadh Coimisinéir Teanga, a bheidh ceaptha go reachtúil agus a bheidh lonnaithe sa Ghaeltacht, de chumhachtaí reatha an Choimisinéara Teanga a fheidhmiú go neamhspleách faoi Acht na dTeangacha Oifigiúla.

The objectives of the event were to raise awareness of the public's rights now to opt to use either official language in court proceedings and to assist an initiative by Lords Alton and Avebury in the British Houses of Lords to have the authorities there reopen the case of Maolra Seoighe and to declare him a victim of a miscarriage of justice and to concede that he had been unjustly convicted and executed.

Review of the Act

A public consultation period organised by the Department of Arts, Heritage and the Gaeltacht in relation to a review of the Official Languages Act as part of the programme for Government ended on January 31, 2012. Apart from some statistical data about public participation in the process – that there were approximately 1,400 completed questionnaires in relation to state services through Irish from public bodies as well as 260 submissions from interested parties – the Department of Arts, Heritage and the Gaeltacht had not by the end of 2012 published any information or analysis on the public's wishes as reflected in the public consultation exercise. My Office previously published in 2011 comprehensive recommendations concerning the amendments which we believe should be made to the Official Languages Act based on our experience of the implementation of the legislation over the years.

Merger

A Government decision was announced in November 2011 to merge the functions of the Office of An Coimisinéir Teanga with the Office of the Ombudsman as part of the Public Service Reform Plan. It was announced in November 2012 that the merger would go ahead and that the statutory powers and functions of An Coimisinéir Teanga under the Official Languages Act 2003 would be transferred to the Ombudsman and would be delegated back to An Coimisinéir Teanga by amending legislation which was not yet published by the end of 2012. An Coimisinéir Teanga would continue to be appointed statutorily, be based in the Gaeltacht and would continue to perform the current functions of An Coimisinéir Teanga in an independent manner under the Official Languages Act.

CÚLRA

Rinne an tUachtarán mé a athcheapadh i mo Choimisinéir Teanga go foirmiúil ar an 23 Feabhra, 2010 ar chomhairle an Rialtais tar éis do Thithe an Oireachtais rún a rith ag moladh an cheapacháin. Fuair an t-athcheapachán sin tacaíocht ó na páirtithe uile sa Dáil agus sa Seanad agus ó chomhaltaí an Chomhchoiste um Ghnóthaí Ealaíon, Spóirt, Turasóireachta, Pobail, Comhionannais, agus Gaeltachta.

Tá cur síos mion ar obair Oifig an Choimisinéara Teanga go dtí seo sna tuarascálacha bliantúla atá ar fáil ar shuíomh gréasáin na hOifige: www.coimisineir.ie. Tá fáil ar an suíomh freisin ar na cuntais airgeadais chuí.

Oifig neamhspleách reachtúil í Oifig an Choimisinéara Teanga a bhfuil de chúram uirthi monatóireacht a dhéanamh ar an gcaoi a bhfuil forálacha Acht na dTeangacha Oifigiúla, 2003 á gcomhlíonadh ag comhlachtaí poiblí an Stáit. Déanann an Oifig gach beart riachtanach chun a chinntiú go gcomhlíonann comhlachtaí poiblí a ndualgais faoin Acht féin, faoi na Rialacháin faoin Acht agus faoi scéimeanna teanga, sa chás gur ann dóibh.

Fiosraíonn m'Oifig gearáin ón bpobal i gcásanna ina gcreidtear go bhfuil teipthe ar chomhlachtaí poiblí a ndualgais a chomhlíonadh faoi Acht na dTeangacha Oifigiúla. Fiosraíonn an Oifig freisin aon ghearán bailí ina líomhnaítear nach bhfuil foráil d'aon achtachán eile a bhaineann le stádas nó le húsáid na Gaeilge á comhlíonadh.

Cuireann an Oifig comhairle ar fáil don phobal maidir lena gcearta teanga agus comhairle ar chomhlachtaí poiblí maidir lena ndualgais teanga faoin Acht. Tá sé mar phríomhchuspóir ag an Acht a chinntiú go soláthraíonn an Státseirbhís agus an tSeirbhís Phoiblí seirbhísí Gaeilge ar bhonn níos líomhaire agus ar chaighdeán níos airde in imeacht tréimhse ama.

Bheadh súil go mbeadh de thoradh ar fheidhmiú an Achta go gcruthófaí spás nua don Ghaeilge i gcóras riaracháin phoiblí na tíre. Is léiriú é ar ghné amháin de pholasaí an Stáit i leith na Gaeilge agus is taca é leis na hiarrachtaí eile an teanga a chur chun cinn san oideachas, sa chraoltóireacht, sna healaíona, i saol na Gaeltachta agus i gcúrsaí an tsaoil go ginearálta.

Shínigh an tUachtarán Acht na dTeangacha Oifigiúla ina dhlí ar an 14 Iúil, 2003 agus trí bliana ina dhiaidh sin, ar an 14 Iúil, 2006, tháinig gach foráil den Acht nach raibh tagtha i bhfeidhm le hOrdú Aire roimhe sin i bhfeidhm go hoifigiúil. Chiallaigh sin go raibh bunús reachtúil ón dáta sin ar aghaidh le gach foráil de chuid an Achta.

Shínigh an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta na Rialacháin um Acht na dTeangacha Oifigiúla, 2003 (Alt 9) 2008 (I.R. Uimh. 391 de 2008) ar an 1 Deireadh Fómhair, 2008. Ní raibh aon Rialachán déanta faoi dheireadh na bliana 2012 maidir le fógraí nár maidir le fógaí beo béil.

Faoi na Rialacháin, tá dualgas ar chomhlachtaí poiblí a chinntiú go bhfuil a gcuid stáiseanóireachta, a gcuid comharthaíochta agus a gcuid fógaí taifeadta béil á soláthar i nGaeilge amháin, nó i nGaeilge agus i mBéarla, de réir critéir ar leith atá daingnithe sna Rialacháin.

BACKGROUND

The President formally reappointed me as Coimisinéir Teanga on 23 February 2010 on the advice of the Government following a resolution passed by both Houses of the Oireachtas recommending the appointment. The reappointment received the support of all the parties in the Dáil and Seanad and of members of the Oireachtas Joint Committee on Arts, Sports, Tourism, Community, Equality and Gaeltacht Affairs.

A detailed account of the work of the Office since its establishment is provided in the annual reports available on the Office's website: www.coimisineir.ie. The relevant financial accounts are also available on the website.

The Office of An Coimisinéir Teanga is an independent statutory office whose responsibility is to monitor the manner in which the State's public bodies comply with the provisions of the Official Languages Act 2003. The Office takes all necessary measures to ensure that public bodies fulfil their obligations under the Act itself, under the Regulations made under the Act and under language schemes, where these apply.

The Office investigates complaints from the public in cases where it is believed that public bodies may have failed to fulfil their obligations under the Official Languages Act. The Office also enquires into any valid complaints regarding allegations that a provision of any other enactment relating to the status or use of Irish has been contravened.

My Office provides advice to the public about their language rights and to public bodies about their language obligations under the Act. The primary objective of the Act is to ensure that the services provided through Irish by the Civil and Public Service increase in both quantity and quality over a period of time.

It is expected that the implementation of the Act will create a new space for the language within the public administration system of the country. It is an illustration of one element of the State's Irish language policy which complements other efforts to promote the language in education, in broadcasting, in the arts, in Gaeltacht life and in Irish life generally.

The President signed the Official Languages Act into law on 14 July 2003 and three years later, on 14 July 2006, all provisions of the Act not already commenced by Ministerial Order came into effect. That meant that from this date onwards, every provision of the Act had a statutory basis.

On 1 October 2008, the Minister for Community, Rural and Gaeltacht Affairs signed the Official Languages Act 2003 (Section 9) Regulations 2008 (S.I. No. 391 of 2008). No Regulations had been made by the end of 2012 regarding advertisements or live oral announcements.

Under the Regulations, public bodies are obliged to ensure that their stationery, their signage and their recorded oral announcements are provided in Irish only, or in Irish and English, in accordance with certain provisions set out in the Regulations.

Rinneadh leasú ar Acht na dTeangacha Oifigiúla in alt 62 den Acht um an Dlí Sibhialta (Forálacha Ilghnéitheacha), 2011. Ciallaíonn an leasú gur féidir aon Acht den Oireachtas a fhoilsiú ar an idirlíon in aon teanga oifigiúil amháin sula ndéanfar é a chló agus a fhoilsiú go comhuaineach sa dá theanga oifigiúla.

Rinneadh leasú eile in alt 48 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011 ar fhoráil d'Ionstraim Reachtúil Uimh. 872 de 2004 – an tOrdú Logainmneacha (Ceantair Ghaeltachta), 2004 – fad is a bhaineann sé leis an logainm 'An Daingean'. Daingnítear sa leasú sin gurb iad 'Daingean Uí Chúis' i nGaeilge agus 'Dingle' i mBéarla na hainmneacha oifigiúla anois san áit a raibh 'An Daingean' roimhe sin.

Fógraíodh athbhreithniú foirmiúil ar Acht na dTeangacha Oifigiúla mar ghné amháin de chlár oibre an Rialtais nua a tháinig i gcumhacht in 2011. I mí Iúil, 2011, d'fhoilsigh m'Oifig tráchttaireacht mar thuairisc speisialta faoi alt 29 d'Acht na dTeangacha Oifigiúla, ar fheidhm phraiticiúil agus ar oibriú fhorálacha an Achta. Ar an 31 Eanáir, 2012 tháinig deireadh le tréimhse comhairliúcháin phoiblí a d'eagraigh an Roinn Ealaíon, Oidhreacht agus Gaeltachta maidir leis an athbhreithniú. Faoi dheireadh na bliana, ní raibh aon eolas nó anailís faoi mhianta an phobail mar a léiríodh iad sa phróiseas comhairliúcháin phoiblí sin foilsithe ag an Roinn.

Fógraíodh i mí na Samhna, 2012 go rachfaí chun cinn le cinneadh an Rialtais (Samhain, 2011) Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman faoi *Phlean Athchóirithe an Rialtais don tSeirbhís Phoiblí*. Fógraíodh chomh maith go n-aistreofaí cumhachtaí agus feidhmeanna reachtúla an Choimisinéara Teanga faoi Acht na dTeangacha Oifigiúla, 2003 chuig an Ombudsman agus go dtarlígfí iad ar ais chuig an gCoimisinéir Teanga faoi reachtaíocht leasaithe nach raibh foilsithe fós faoi dheireadh na bliana 2012. Leanfaí de cheapachán reachtúil a dhéanamh ar Choimisinéir Teanga a bheadh lonnaithe sa Ghaeltacht, agus a bheadh ag feidhmiú cumhachtaí reatha an Choimisinéara Teanga go neamhspleách faoi Acht na dTeangacha Oifigiúla.

An amendment was made to the Official Languages Act in section 62 of the Civil Law (Miscellaneous Provisions) Act 2011. The amendment means that any Act of the Oireachtas may be published online in one official language before it is printed and published simultaneously in both official languages.

An amendment was also made in section 48 of the Environment (Miscellaneous Provisions) Act 2011 to a provision of Statutory Instrument (No. 872 of 2004) – Placenames Order (Gaeltacht Districts) 2004 – in so far as it relates to the placename, 'An Daingean'. This amendment confirms that 'Daingean Uí Chúis' in Irish and 'Dingle' in English are now the official placenames where 'An Daingean' was used previously.

A formal review of the Official Languages Act formed part of programme for government of the new administration that came to power in 2011. In July 2011, my Office published a commentary, as a special report, under section 29 of the Official Languages Act on the practical application and operation of the Act. A public consultation period organised by the Department of Arts, Heritage and the Gaeltacht in relation to a review of the Official Languages Act ended on 31 January 2012. By the end of 2012 the Department of Arts, Heritage and the Gaeltacht had not published any information or analysis on the public's wishes as reflected in the public consultation exercise.

In November 2012, the Government announced that it would proceed with its decision (November 2011) to merge the functions of the Office of An Coimisinéir Teanga with the Office of the Ombudsman as part of the *Public Service Reform Plan*. It also announced that the statutory powers and functions of An Coimisinéir Teanga under the Official Languages Act 2003 would be transferred to the Ombudsman and would be delegated back to An Coimisinéir Teanga by amending legislation which was not yet published by the end of 2012. An Coimisinéir Teanga would continue to be appointed statutorily, be based in the Gaeltacht and would continue to perform the current functions of An Coimisinéir Teanga in an independent manner under the Official Languages Act.

SEIRBHÍSÍ EOLAIS & CUMARSÁIDE

Le linn na bliana 2012, lean Oifig an Choimisinéara Teanga le heolas a scaipeadh ar an bpobal agus ar chomhlachtaí poiblí faoi Acht na dTeangacha Oifigiúla agus obair na hOifige féin.

Comhairle do Chomhlachtaí Poiblí

Ceann d'fheidhmeanna na hOifige seo is ea comhairle nó cúnamh a sholáthar do chomhlachtaí poiblí a thagann faoi scáth na reachtaíochta maidir lena ndualgais faoi Acht na dTeangacha Oifigiúla.

Le linn na bliana 2012, rinne oifigigh ó chomhlachtaí poiblí teagmháil le hOifig an Choimisinéara Teanga ar 161 ócáid éagsúil le ceisteanna sonracha nó le comhairle a fháil maidir le dualgais teanga faoin Acht. Bhain thart ar 41% de na fiosrúcháin sin leis na dualgais atá ar chomhlachtaí poiblí maidir le húsáid na Gaeilge agus an Bhéarla ar chomharthaíocht, i stáiseanóireacht agus i bhfógairtí taifeadta béil, 22% le ceisteanna maidir le scéimeanna teanga, 14% le ceisteanna maidir le foilsiú doiciméad go dhátheangach de réir alt 10 den Acht, agus 23% le ceisteanna eile i dtaca le hAcht na dTeangacha Oifigiúla.

Ar ndóigh, dá mhéad comhairle agus eolas soiléir, cruinn a chuirtear ar fáil do chomhlachtaí poiblí faoina ndualgais faoin Acht, is ea is fearr is féidir a chinntiú go gcloítear le forálacha na reachtaíochta.

Suíomh Gréasáin

Feidhmíonn an suíomh gréasáin www.coimisineir.ie mar fhoinsé eolais faoi gach a mbaineann le hOifig an Choimisinéara Teanga agus le hAcht na dTeangacha Oifigiúla, 2003. Tá Treoirleabhar d'Acht na dTeangacha Oifigiúla le fáil ar an suíomh gréasáin chun cúnamh a thabhairt don phobal maidir lena gcearta teanga agus go háirithe chun comhairle a chur ar chomhlachtaí poiblí maidir lena ndualgais faoin Acht, agus tá cóip ar an suíomh gréasáin de gach scéim teanga atá aontaithe go dtí seo.

Tá leagan leictreonach den acmhainn oideachais, Cearta Teanga / Language Rights, le fáil ar líne ag www.coimisineir.ie/scoileanna. Más mian le duine comhairle a lorg nó gearán a dhéanamh, is féidir foirm ghearáin ar líne a chomhlánú agus a sheoladh go leictreonach chuig an Oifig.

I gcomhréir le clár oibre r-sheirbhísí an rialtais, tá fáil ar an suíomh gréasáin trí www.gov.ie and tá nasc ar fáil anois faoin rogha 'seirbhísí ar líne/gearáin'. Baineann leibhéal inrochtaineachta AA ar a laghad le gach leathanach den suíomh.

Na Meáin Chumarsáide

Le linn na bliana 2012, lean an Coimisinéir Teanga d'agallaimh a dhéanamh leis na meáin chumarsáide le léargas a thabhairt ar obair na hOifige, ar fheidhmiú an Achta agus ar cheisteanna gaolmhara. Glactar buíochas leis na hiriseoirí ar fad a chuir an oiread sin suime in obair na hOifige le linn na bliana agus a chabhraigh le cur chun cinn na hoibre sin trína gcuid tuairisceoireachta i mBéarla agus i nGaeilge.

INFORMATION & COMMUNICATION SERVICES

During 2012, the Office of An Coimisinéir Teanga continued to provide information to the public and to public bodies about the Official Languages Act and about the Office itself.

Advice for Public Bodies

The functions of the Office include the provision of advice or assistance to public bodies coming under the aegis of the legislation with regard to their obligations under the Official Languages Act.

During 2012, officials from public bodies contacted the Office of An Coimisinéir Teanga on 161 separate occasions either with specific questions or seeking advice about their obligations under the Act. Approximately 41% of these queries concerned advice on the duties of public bodies with regard to the use of the Irish and English languages on signage, stationery and recorded oral announcements, 22% concerned language schemes, 14% the publication of documents bilingually under section 10 of the Act, and 23% concerned other matters to do with the Official Languages Act.

Without doubt, the more clear and accurate the advice and information that is provided to public bodies regarding their obligations under the Act, the easier it will be to ensure compliance with the provisions of the legislation.

Website

The website www.coimisineir.ie serves as a comprehensive source of information on all aspects of the Office of An Coimisinéir Teanga and the Official Languages Act 2003. A Guidebook to the Official Languages Act is available on the website to assist the public with regard to their language rights and, in particular, to advise public bodies in relation to their obligations under the Act. Copies of all language schemes confirmed under the Act are also on the website.

An electronic version of an educational resource, Cearta Teanga / Language Rights, is available online at www.coimisineir.ie/schools. If a member of the public wishes to seek advice or make a complaint, there is an online form that can be completed and sent electronically to my Office.

In accordance with the eGovernment agenda, the website is included in www.gov.ie and a link is available under 'online services/complain'. All pages of the website are, at a minimum, AA accessible.

Media

During 2012, An Coimisinéir Teanga continued to undertake media interviews in order to provide an insight into the work of the Office, the implementation of the Act, and related matters. The efforts of journalists who showed such an interest in the work of the Office during the year and who helped to progress that work through their reports both in English and in Irish are much appreciated.

Gradam Ghlór na nGael

Bronnadh GRADAM Ghlór na nGael, 2011 ar Oifig an Choimisinéara Teanga ag ócáid i dTeach Carton, Maigh Nuad, Co. Chill Dara, Dé Sathairn, an 25 Feabhra, 2012. Donnchadh Mac Fhionnlaoich TD, Aire Stáit sa Roinn Ealaíon, Oidhreacht agus Gaeltachta, a bhronn an gradam ar bhall den fhoireann, Deirdre Nic Dhonncha, thar ceann na foirne.

Onóir mhór a bhí ann don Oifig an gradam seo a fháil agus ghlac an Coimisinéir Teanga, Seán Ó Cuirreáin, buíochas le coistí, moltóirí, bord stiúrtha agus foireann Ghlór na nGael as an Oifig a roghnú don ghradam seo.

Gradam Ghlór na nGael

At a function in Carton House, Maynooth, Co. Kildare on Saturday 25 February 2012, the GRADAM Ghlór na nGael award for 2011 was presented to the Office of An Coimisinéir Teanga. The presentation was made by Donnchadh Mac Fhionnlaoich TD, Minister of State at the Department of Arts, Heritage and the Gaeltacht and was accepted on behalf of the Office by staff member, Deirdre Nic Dhonncha.

It was a great honour for the Office to have received this award and An Coimisinéir Teanga, Seán Ó Cuirreáin, thanked the committees, adjudicators, directors and staff of Glór na nGael for choosing the Office for the award.



Sa phictiúr ón ócáid bhronnta, tá an Coimisinéir Teanga, Seán Ó Cuirreáin; Deirdre Nic Dhonncha, ó Oifig an Choimisinéara Teanga; an tAire Stáit Donnchadh Mac Fhionnlaoich TD; agus Pádraig Ó Ciardha, Cathaoirleach Ghlór na nGael (iar-Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta).

The picture shows An Coimisinéir Teanga, Seán Ó Cuirreáin; Deirdre Nic Dhonncha, Office of An Coimisinéir Teanga; Minister of State, Donnchadh Mac Fhionnlaoich TD; and Pat Carey, Chairman of Glór na nGael (former Minister for Community, Rural and Gaeltacht Affairs).

Duaiseanna an Choimisinéara Teanga

Tá ceangal ag Oifig an Choimisinéara Teanga leis an gcúrsa céime MA sa Chleachtas Dátheangach in Fiontar in Ollscoil Chathair Bhaile Átha Cliath, áit a mbronnar Bonn Óir an Choimisinéara Teanga ar an gcéimí a fhaigheann na marcanna is airde sa tráchtas iarchéime.

Is ar Laura Ní Mháille a bronnadh Bonn Óir na bliana 2012 dá tráchtas ag ócáid bhronnadh na gcéimeanna in Fiontar, Ollscoil Chathair Bhaile Átha Cliath ar an 5 Samhain, 2011. Tá sé mar aidhm ag an gcúrsa MA sa Chleachtas Dátheangach – a bhfuil Stiúthóir Fhiontar, an Dr Peadar Ó Flatharta, ina cheannas – oiliúint a chur ar fhoireann a bheidh ag obair sna hearnálacha poiblí agus deonacha le seirbhís ardcháilíochta do chustaiméirí a bhainistiú agus a sholáthar go dátheangach, ag freagairt go háirithe do riachtanais Acht na dTeangacha Oifigiúla. Tugtar an t-eolas agus an scil is gá dóibhsean atá páirteach lena chinntiú go soláthrófar seirbhís ardcháilíochta dhátheangach don phobal – seirbhís a bheidh ag teacht le caighdeáin idirnáisiúnta.

Bronntar duais bhliantúil chomh maith don aiste taighde is fearr sa scrúdú sochtheangeolaíochta don chéim BA in Ollscoil na hÉireann, Gaillimh faoi stiúir an Dr John Walsh. In 2012, tháinig beirt chomhbhuaioteoirí sa chéad áit agus socraíodh go mbronnfaí dhá dhuais €500 ar bhonn eisceachtúil i mbliana. Ar Shenan Mac Aoidh agus Stephen Joyce a bronnadh Duaiseanna an Choimisinéara Teanga, 2012.

Prizes of An Coimisinéir Teanga

Oifig an Choimisinéara Teanga is associated with the MA degree course in Bilingual Practice in Fiontar in Dublin City University, where the Gold Medal of An Coimisinéir Teanga is presented annually to the graduate who receives the highest marks for their postgraduate thesis.

The 2012 Gold Medal was presented to Laura Ní Mháille for her thesis at the graduation ceremony in Fiontar, Dublin City University on November 5th 2012. The aim of the MA course in Bilingual Practice – under the stewardship of the Director of Fiontar, Dr Peadar Ó Flatharta – is to train people who will work in the public and voluntary sectors in the management and delivery of high quality bilingual customer services, in response to the requirements of the Official Languages Act in particular. This course provides participants with the knowledge and skills necessary to ensure that the public is provided with a high quality bilingual service in accordance with international standards.

An award is also presented annually for the best research essay in the sociolinguistics examination for the BA degree under the direction of Dr John Walsh in the National University of Ireland, Galway. In 2012, two students shared first place and it was decided that two prizes of €500 would be awarded. The joint winners of An Coimisinéir Teanga's prize for 2012 were Senan Mac Aoidh and Stephen Joyce.



Bronnadh Bonn Óir na bliana 2012 ar Laura Ní Mháille don chéim MA sa Chleachtas Dátheangach in Fiontar, Ollscoil Chathair Bhaile Átha Cliath. Feictear an Coimisinéir Teanga, Seán Ó Cuirreáin, anseo ag bronnadh na duaise uirthi.

The 2012 Gold Medal was presented to Laura Ní Mháille for the MA degree in Bilingual Practice in Fiontar, Dublin City University. She is seen here being presented with the prize by An Coimisinéir Teanga, Seán Ó Cuirreáin.



Senan Mac Aoidh, comhbhuaiteoir Dhuais an Choimisinéara Teanga, 2012 don chéim BA in Ollscoil na hÉireann, Gaillimh le feiceáil anseo ag an searmanas bronnta lena sheanmháthair, Eileen Moloney.

Senan Mac Aoidh, joint winner of An Coimisinéir Teanga's prize in 2012 for the BA degree in the National University of Ireland, Galway is pictured at the conferring with his grandmother, Eileen Moloney.



Stephen Joyce, chomhbhuaiteoir Dhuais an Choimisinéara Teanga, 2012 don chéim BA in Ollscoil na hÉireann, Gaillimh, le feiceáil anseo lena athair, Micheál Seoighe.

Stephen Joyce, joint winner of An Coimisinéir Teanga's prize in 2012 for the BA degree in the National University of Ireland, Galway, pictured here with his father, Micheál Seoighe.

FEASACHT TEANGA: AN GHAELGE SNA CÚIRTEANNA

Le linn 2012, bhí Oifig an Choimisinéara Teanga páirteach i dtionscnamh a raibh sé ar cheann amháin de na haidhmeanna aige cur le feachtas teanga an phobail maidir leis an gceart atá ann an Ghaeilge a úsáid in aon chúirt sa tír.

Baineann an ceart seo le gach cúirt, mar shampla an Chúirt Dúiche, an Chúirt Chuarda, an Ard-Chúirt, an Chúirt Uachtarach, agus binsí fiosraithe. Tá sé de cheart ag duine faoi alt 8 d'Acht na dTeangacha Oifigiúla an Ghaeilge a úsáid sa chúirt is cuma cén gnó atá aige/aici ansin, mar shampla mar fhinné, mar chosantóir, mar ghearánach, nó mar íospartach. Tá sé de cheart ag duine éisteacht a fháil i nGaeilge os comhair na cúirte agus ní cheadaítear an duine a bheith faoi aon mhíbhuntáiste ná aon chostas breise a bheith i gceist de bharr na rogha teanga sin. Faoi gcúirt atá sé cibé socrú is cuí a dhéanamh d'ateangaireacht ó theanga oifigiúil amháin (Gaeilge/Béarla) go dtí an ceann eile.

Mar léiriú ar thábhacht an chirt sin, d'eagraigh Oifig an Choimisinéara Teanga – i gcomhar le Músaem Cathrach na Gaillimhe agus Conradh na Gaeilge – ócáid chomórtha i mí na Nollag, 2012 ar chás Dhúnmharuithe Mhám Trasna a tharla 130 bliain roimhe sin, tráth nach raibh aon bhonn reachtúil le cearta i leith na Gaeilge sna cúirteanna.

Bhí Uachtarán na hÉireann, Micheál D. Ó hUiginn, ina measc siúd a bhí i láthair ag an ócáid chomórtha. Tugadh chun cuimhne go speisialta ar an ócáid sin Maolra Seoighe, a cuireadh chun báis go héagórach nuair a ciontaíodh é as a bheith páirteach i ndúnmharú teaghlaigh i Mám Trasna ar theorainn na Gaillimhe agus Mhaigh Eo sa bhliain 1882; crochadh agus cuireadh é ar láthair Phríosún na Gaillimhe san áit a bhfuil Ardeaglais na Gaillimhe anois.

LANGUAGE AWARENESS: IRISH IN THE COURTS

During 2012, the Office of An Coimisinéir Teanga was involved in an initiative, one of whose aims was to increase public awareness in relation to the right to use Irish in any court in the country.

This right applies in all courts, for example, the District Court, the Circuit Court, the High Court, the Supreme Court, and tribunals. Section 8 of the Official Languages Act provides that a person can choose to use Irish in court irrespective of the reason for being in court, for example as a witness, a defendant, a plaintiff or a victim. A person has the right to be heard in Irish in court and may not be disadvantaged or incur additional expense because of that choice of official language. The court may make arrangements as it considers appropriate for the interpretation of proceedings from one official language to the other (Irish/English).

In order to emphasise the importance of that right, the Office of An Coimisinéir Teanga – in conjunction with Galway City Museum and Conradh na Gaeilge – organised a commemorative event in December 2012 in relation to the Maamtrasna Murders which occurred 130 years previously at a stage where such Irish language rights did not exist.

Attendance at the event included President Michael D. Higgins. The event focused in particular on the case of Maolra Seoighe/Myles Joyce who was unjustly executed having been convicted in connection with the slaughter of a family in a remote valley on the Galway-Mayo border in 1882; he was hanged and buried at the then Galway Gaol on the site where Galway Cathedral now stands.



Maolra Seoighe, a cuireadh chun báis go héagórach sa bhliain 1882.

Myles Joyce, who was unjustly executed in 1882.



Le caoinchead Leabharlann Náisiúnta na hÉireann.

Courtesy of the National Library of Ireland.



An Tiarna David Alton ag leagan bláthfhleisce ag an áit ar crochadh agus ar cuireadh Maolra Seoighe.

Lord David Alton laying a wreath at the site where Myles Joyce was hanged and buried.

Aithnítear go raibh cás Mhaolra Seoighe ar cheann de na léirithe ba shuntasáí agus ba thruamhéalaí dá raibh riamh ann ar shéanadh cearta teanga. Fear Gaeltachta gan Bhéarla a bhí ann ach ní raibh aon Ghaeilge ag an dlíodóir ná ag na habhcóidí a bhí á chosaint os comhair cúirte i mBaile Átha Cliath. Ní raibh aon Ghaeilge ag an mbreitheamh ná ag baill an ghiúiré agus níor thóg sé ach faoi bhun sé nóiméad orthu teacht ar chinneadh go raibh sé ciontach. Rinneadh neamhaird dá fhianaise i nGaeilge, coinníodh siar ón gcúirt fianaise a chabhródh lena chosaint, agus thug brathadóirí fianaise bhréige ina aghaidh.

Sa bhreis ar an aidhm feachtas a spreagadh faoi chearta reachtúla an phobail anois a rogha teanga oifigiúil a úsáid sna cúirteanna, bhí sé i gceist ag an ócáid chomórtha freisin tacú le feachtas atá ar bun sa Bhreatain ag roinnt ball de Thithe na Parlaiminte ansin faoi cheannaireacht na dTiarnaí Alton agus Avebury tabhairt ar údaráis na Breataine anois féachaint athuair ar chás Mhaolra Seoighe agus a fhógairt go raibh iomrall ceartais i gceist agus gur go héagórach a ciontaíodh agus a cuireadh chun báis é.

Tar éis Aifreann cuimhneacháin i nGaeilge san Ardeaglais i nGaillimh, leagadh bláthfhleasca ar an áit ar crochadh agus ar cuireadh Maolra Seoighe. Tionóladh siompóisiam i Músaem na Cathrach agus i measc na gcainteoirí ann bhí an staraí, an tOllamh Gearóid Ó Tuathaigh; an Tiarna David Alton ón mBreatain; agus Johnny Joyce ó Bhaile Átha Cliath – duine de shliocht na Seoigheach a dúnmharaíodh i Mám Trasna agus as ar ciontaíodh Maolra Seoighe. Bhí taispeántais, léitheoireacht as sleachta stairiúla, agus scannán de chuid RTÉ faoi Mhám Trasna mar chuid den ócáid, agus chualathas ann freisin filíocht agus ceol nuachumtha a bhí spreagtha ag an eachtra.



Uachtarán na hÉireann, Micheál D. Ó hUiginn, agus an Tiarna David Alton ag an ócáid chomórtha.

President Michael D. Higgins and Lord Alton at the commemorative event.

The case of Maolra Seoighe is recognised as one of most significant and distressing cases ever concerning the denial of language rights. A native Irish speaker from the Gaeltacht, Maolra Seoighe, who had no English, was defended in court in Dublin by a solicitor and barristers who spoke no Irish. The judge and jury who convicted him had no Irish and the jury deliberated for less than six minutes to decide on his guilt before sentence of death was passed. The evidence he gave in Irish was ignored in court while evidence that might have helped his defence was withheld and informers gave false evidence against him.

As well as raising awareness of the public's rights now to opt to use either official language in court proceedings, the event also sought to support an initiative by Lords Alton and Avebury in the British House of Lords to have the authorities there reopen the case of Maolra Seoighe and to declare him a victim of a miscarriage of justice and to concede that he had been unjustly convicted and executed.

Following Mass in Irish in Galway Cathedral, wreaths were laid at the site of the gallows where Maolra Seoighe was hanged and buried. A symposium in Galway City Museum heard contributions from historian, Prof. Gearóid Ó Tuathaigh; Lord David Alton of Liverpool; and Johnny Joyce from Dublin – a descendant of the Joyce family whose murder in Maamtrasna led to the conviction of Maolra Seoighe. An exhibition, historical readings and an RTÉ film on the Maamtrasna murders were also included as well as newly composed poetry and music inspired by the event.

COMHCHOISTE OIREACHTAIS

Le linn na bliana 2012, tugadh cuireadh don Choimisinéir Teanga den chéad uair fianaise a thabhairt don Chomhchoiste Oireachtais um Imscrúduithe, Formhaoirsiú agus Achainíocha i dtaca le tuarascálacha a bhí curtha i láthair Thithe an Oireachtais maidir le teip comhlachtaí poiblí áirithe na moltaí a bhí déanta aige de thoradh imscrúduithe a chur i bhfeidhm go cuí agus go críochnúil.



Comhchoiste Oireachtais.
Oireachtas Joint Committee.

Bhain na tuarascálacha le Feidhmeannacht na Seirbhíse Sláinte (Réigiún an Iarthair), le hArd-Mhúsaem na hÉireann, agus leis an Roinn Coimirce Sóisialaí.

Ina measc sin a cheistigh an Coimisinéir Teanga faoin ábhar ag cruinniú i dTeach Laighean ar an 2 Bealtaine, 2012, bhí Cathaoirleach an Chomhchoiste, Peadar Tóibín TD, an Seanadóir Trevor Ó Clochartaigh, Gerry Adams TD, Peter Mathews TD, Michael Healy-Rae TD, Aengus Ó Snodaigh TD, Michelle Mulhern TD, agus an Seanadóir Tony Mulcahy.

Tar éis an chruinnithe, d'eisigh an Comhchoiste ráiteas ar an 4 Bealtaine, 2012. Dúirt an Cathaoirleach, Peadar Tóibín TD, *"Tar éis do na Comhaltaí a machnamh a dhéanamh ar argóintí ciallmhara an Uas. Uí Chuirreáin, d'aontaigh siad cuireadh a thabhairt d'Ard-Rúnaithe na Ranna Rialtais iomchuí teacht os comhair an Choiste."*

Bhí an méid seo le rá aige freisin: *"D'aontaigh Comhaltaí an Choiste tairiscint go dtacódh an Coiste leis na feidhmeanna neamhspleácha atá ag Oifig an Choimisinéara Teanga i gcónaí, agus an Oifig ag gníomhú di chun a chinntiú go gcosnaítear na cearta a bhaineann leis an nGaeilge."*

Is cosúil gur bheartaigh an Comhchoiste Oireachtais fiosrúchán ar leith a dhéanamh faoin gcóras faoina dtugtar aitheantas do chumas sa Ghaeilge i gcomórtais um ardú céime sa Státseirbhís, de thoradh na tuarascála ón Oifig seo, agus gur tugadh cuireadh do cheithre chomhlacht phoiblí fianaise a chur i láthair an Chomhchoiste ar an ábhar ar an 21 Samhain, 2012. Is iad na comhlachtaí poiblí a bhí i gceist an Roinn Coimirce Sóisialaí, an Roinn Caiteachais Phoiblí agus Athchóirithe, an tSeirbhís um Cheapacháin Phoiblí, agus an Coimisiún um Cheapacháin Seirbhíse Phoiblí.

Cuireann Oifig an Choimisinéara Teanga fáilte mhór roimh obair an Chomhchoiste Oireachtais agus is mór an tacaíocht é d'obair na hOifige. Feictear don Oifig seo gur dúshlán é do cheart chomhaltaí Thithe an Oireachtais reachtaíocht a achtú más féidir le heagraíocht stáit neamhaird a dhéanamh den reachtaíocht sin. Is ceart a lua, tríd is tríd, gur eisceachtaí iad na cásanna gur gá tuarascálacha speisialta ina leith a chur faoi bhráid Thithe an Oireachtais agus, de ghnáth, bíonn comhoibriú maith idir Oifig an Choimisinéara Teanga agus formhór na n-eagraíochtaí stáit. Tagtar ar réiteach ar fhadhbanna go neamhfhoirmiúil, nó más gá imscrúdú a dhéanamh, cuirtear na moltaí i bhfeidhm go cuí. Mura dtarlaíonn sin, tá fiúntas an-mhór ar fad leis an gComhchoiste Oireachtais le dul i ngleic le cúrsaí.

Bhí an fiosrúchán foirmiúil i dtaca leis an nGaeilge sa Státseirbhís fós idir lámha ag deireadh na bliana 2012 ag an gComhchoiste Oireachtais um Imscrúduithe, Formhaoirsiú agus Achainíocha.

OIREACHTAS JOINT COMMITTEE

During 2012, An Coimisinéir Teanga was invited for the first time to present evidence to the Oireachtas Joint Committee on Investigations, Oversight and Petitions in relation to reports he had laid before the Houses of the Oireachtas regarding public bodies that had failed to appropriately or fully implement recommendations he had made following investigations.

The reports concerned the Health Service Executive (Western Region), the National Museum, and the Department of Social Protection.

Among those who questioned An Coimisinéir Teanga at the meeting in Leinster House on May 2, 2012 were the Chairman of the Committee, Peadar Tóibín TD, Sen. Trevor Ó Clochartaigh, Gerry Adams TD, Peter Mathews TD, Michael Healy-Rae TD, Aengus Ó Snodaigh TD, Michelle Mulhern TD, and Sen. Tony Mulcahy.

Following the meeting, the Joint Committee issued a statement on May 4, 2012. Chairman Peadar Tóibín TD, said: *"Having considered Mr Ó Cuirreáin's persuasive arguments, Members agreed to invite the Secretaries General of the relevant Government Departments to appear before the Committee."*

He added: *"Committee Members agreed a motion to support the continued independent functions of the Office of An Coimisinéir Teanga, as it continues its work in ensuring that Irish language rights are protected."*

It appears that the Committee decided to conduct a specific investigation, following reports from this Office, concerning the system where recognition is given for competence in Irish in internal promotion competitions in the Civil Service and that four public bodies were requested to present evidence to the Joint Committee on November 21, 2012. The public bodies concerned were the Department of Social Protection, the Department of Public Expenditure and Reform, the Public Appointments Service, and the Commission on Public Service Appointments.

The Office of An Coimisinéir Teanga welcomes the work of the Oireachtas Joint Committee, which supports the functioning of this Office. This Office would interpret as a challenge to the right of members of the Houses of the Oireachtas to enact legislation if public bodies were to disregard such legislative provisions. It should be mentioned that the occasions where special reports are required to be placed by this Office before the Houses of the Oireachtas are exceptional ones and, generally, there is good cooperation between the Office of An Coimisinéir Teanga and most state agencies. Difficulties are usually resolved through an amicable, informal resolution mechanism and if formal investigations are required, the subsequent recommendations are implemented in an appropriate manner. If this doesn't happen, the Joint Committee has a very valuable role to play in resolving issues.

The formal investigation in relation to Irish in the Civil Service by the Oireachtas Joint Committee on Investigations, Oversight and Petitions was still in progress at the end of 2012.

FAIREACHÁN

Tá sé ar cheann d'fheidhmeanna Oifig an Choimisinéara Teanga faireachán a dhéanamh ar an mbealach ina gcomhlíonann comhlachtaí poiblí a ndualgais reachtúla teanga faoi Acht na dTeangacha Oifigiúla. Le linn na bliana 2012, d'fhorfheidhmigh an Oifig clár iniúchta chun an leibhéal géilliúlachta d'Acht na dTeangacha Oifigiúla a mheas. De thoradh teorainn na hacmhainne foirne atá ar fáil don Oifig, dírdhóid an chuid is mó den obair faireacháin ar scrúdú a dhéanamh ar an mbealach ina raibh comhlachtaí poiblí ag cur a gcuid scéimeanna teanga i bhfeidhm.

Fearacht blianta eile, leagadh béim ar a chinntiú go raibh comhlachtaí poiblí géilliúil do na moltaí á bhí déanta ag an gCoimisinéir Teanga i dtuarascálacha imscrúduithe. Mar thoradh ar an obair faireacháin seo, leag an Coimisinéir Teanga tuarascálacha speisialta faoi bhráid Thithe an Oireachtais nuair a mheas sé nach raibh comhlachtaí poiblí áirithe ag cur na moltaí a bhí déanta aige i bhfeidhm go cuí.

Faireachán ar scéimeanna teanga

Is trí chóras na scéimeanna teanga a leagtar dualgais ar chomhlachtaí poiblí forbairt a dhéanamh ar sheirbhísí trí Ghaeilge don phobal, sa bheis ar fhorálacha ginearálta an Aichta. Is é an tAire Ealaíon, Oidhreacht agus Gaeltachta a aontaíonn scéimeanna teanga le comhlachtaí poiblí agus níl aon bhaint ag Oifig an Choimisinéara Teanga leis an bpróiseas sin. Is cúram don Oifig, áfach, faireachán a dhéanamh ar an mbealach ina gcuireann comhlachtaí poiblí na scéimeanna teanga i bhfeidhm.

Is é gnáthchleachtas na hOifige léirmheas ginearálta a dhéanamh ar chur i bhfeidhm scéimeanna teanga i ndiaidh chéadbhlain na scéime. Déantar é seo chun a chinntiú go bhfuil freagracht á glacadh ag an gcomhlacht poiblí as cur i bhfeidhm na scéime agus go bhfuil gníomhaíochtaí tionscanta a thacóidh le dea-thoradh a bhaint amach. Díreann san iniúchadh tríú bliain ar fhianaise a bheith ar fáil a léiríonn gur cuireadh forálacha na scéime i bhfeidhm go cuí. Le dhá bhliain anuas, tá an Oifig seo tar éis tabhairt faoi iniúchadh a dhéanamh ar roinnt scéimeanna atá aontaithe ag an Aire le tréimhse sé bliana nó níos faide. I gcásanna áirithe, feictear go mbíonn teorainn le héifeacht na hoibre faireacháin a bhaineann le scéimeanna atá i bhfeidhm le cuid mhaith blianta. Mar sin féin, tá sé tábhachtach teagmháil a choinneáil leis na comhlachtaí poiblí seo ionas go dtuigfidís go seasann na dualgais atá daingnithe i scéim teanga go dtí go n-aontaíonn an tAire scéim teanga nua.

Le linn na bliana 2012, rinne an Oifig monatóireacht ar chur i bhfeidhm 21 scéim teanga. Is mar seo a leanas a comhlíonadh na hiniúchtaí sin:

Cineál scéime	Tréimhse scéim i bhfeidhm	Líon iniúchtaí
An chéad scéim teanga	Bliain amháin	3
	Trí bliana	9
	Seacht mbliana	3
An dara scéim teanga	Bliain amháin	5
	Trí bliana	1

MONITORING

One of the functions of the Office of An Coimisinéir Teanga is to monitor the way public bodies fulfil their statutory language duties under the Official Languages Act. During 2012, the Office implemented an audit plan to assess the level of compliance with the Official Languages Act. Due to the limited staffing resources available to the Office, the focus of the compliance work was on the way public bodies were implementing their language schemes.

As in previous years, particular importance was attached to ensuring that public bodies were complying with the recommendations made by An Coimisinéir Teanga in reports of investigations. As a result of this compliance work, An Coimisinéir Teanga laid special reports before the Houses of the Oireachtas after forming the opinion that certain public bodies were not appropriately implementing the recommendations made.

Monitoring of language schemes

Language schemes are the mechanism used to ensure public bodies develop services through Irish for the public, in addition to the general provisions of the Act. The Minister for Arts, Heritage and the Gaeltacht is responsible for the confirmation of language schemes; the Office of An Coimisinéir Teanga does not play any part in that process. This Office is responsible for monitoring the way in which public bodies implement their language schemes.

It is standard practice for this Office to review the implementation of language schemes after the first year of operation. This is done to ensure that the public body is taking ownership of the implementation of the scheme and that activities have been initiated to ensure satisfactory outcomes. The third year audits require supporting evidence to demonstrate that the provisions contained in the scheme have been implemented appropriately. For the last two years, this Office has audited certain schemes that the Minister agreed six or more years ago. In certain cases, there is a limit to the effectiveness of audit work attached to schemes that were agreed a long number of years ago. Despite this, it is important to maintain communications with these public bodies so as to underline that the commitments given in a language scheme continue in operation until such time as a new language scheme may be agreed by the Minister.

During 2012, this Office monitored the implementation of 21 language schemes. The audits were implemented as follows:

Type of scheme	Period scheme in operation	Total audits
First language scheme	One year	3
	Three years	9
	Seven years	3
Second language scheme	One year	5
	Three years	1

Léirigh an faireachán a rinneadh ar scéimeanna teanga gur beag comhlacht poiblí a n-éiríonn leis gach gealltanas a bhíonn tugtha i scéim teanga a chur i bhfeidhm go cuí laistigh den sprioc ama aontaithe. Os a choinne sin, d'éirigh leis an Oifig seo teacht ar réiteach sásúil le formhór na gcomhlachtaí poiblí maidir le gealltanais nach raibh comhlíonta go cuí tráth an iniúchta. Sa chás nach féidir leis an Oifig seo teacht ar réiteach sásúil, ní bhíonn de rogha againn ach imscrúdú oifigiúil a thionscnamh ar an ábhar.

Tugadh faoi deara gurb é an easpa foirne le Gaeilge an deacracht is mó a bhí ag comhlachtaí poiblí le linn na bliana 2012 chomh fada agus a bhain sé le feidhmiú na ngealltanais a bhí tugtha ina scéimeanna teanga. Is fadhb í seo atá le sonrú ar bhonn níos minice de réir mar atá laghdú ag teacht ar an líon foirne atá fostaithe sa Státseirbhís. Fágann an easpa foirne le Gaeilge go bhfuil sé níos deacra ag saoránaigh teacht ar sheirbhís phearsanta trí Ghaeilge ar chomhchaighdeán leis an tseirbhís a bhíonn ar fáil trí Bhéarla. Tá an méid seo ag tarlú in ainneoin socruithe a chuireann comhlachtaí poiblí i bhfeidhm chun freastal orthu siúd ar mian leo a gcuid gnó a dhéanamh trí Ghaeilge.

The monitoring process found that very few public bodies manage to satisfactorily implement all the commitments given in the language scheme within the agreed timelines. Despite this, this Office managed to reach a satisfactory agreement with most public bodies in relation to commitments that had not been fully implemented at the time of the audit. This Office is left with little alternative other than to initiate an official investigation in instances where we cannot come to a satisfactory agreement.

During 2012, it was apparent that the absence of sufficient numbers of staff with competence in Irish was the main obstacle for public bodies in achieving the commitments given in language schemes. This issue is becoming more pronounced as staff numbers continue to fall in the Civil Service. The absence of sufficient numbers of staff with Irish results in citizens finding it harder to access interpersonal services through Irish to the same standard as services available in English. This much is occurring despite arrangements put in place by public bodies to cater for those who wish to conduct their business through Irish.

Léirmheasanna a rinneadh agus tuairiscí a eisíodh, 2012

Reviews completed and reports issued, 2012

Ainm an Chomhlachta Phoiblí	Name of Public Body
Comhairlí Contae & Cathrach Chill Chainnigh	Kilkenny County & City Councils
Údaráis Áitiúla Shligigh	Sligo Local Authorities
Institiúid Teicneolaíochta Dhún Dealgan	Dundalk Institute of Technology
Coláiste Oideachais Eaglais na hÉireann	Church of Ireland College of Education
Údaráis Áitiúla Chontae Mhuineacháin	Monaghan Local Authorities
Údaráis Áitiúla Chontae Chill Dara	Kildare Local Authorities
Coiste Gairmoideachais Chontae Bhaile Átha Cliath	County Dublin Vocational Education Committee
Oifig an Ard-Reachtaire Cuntas & Ciste	Office of the Comptroller & Auditor General
Gailearaí Náisiúnta na hÉireann	National Gallery of Ireland
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	Companies Registration Office & Registry of Friendly Societies
An Garda Síochána	An Garda Síochána
Foras na Mara	Marine Institute
Oifig an Uachtaráin	Office of the President
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions
Coiste Gairmoideachais Chontae na Gaillimhe	County Galway Vocational Education Committee
Údaráis Áitiúla Dhún na nGall	Donegal Local Authorities
Údaráis Áitiúla Chiarraí	Kerry Local Authorities
Óglaigh na hÉireann	The Defence Forces
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments

Faireachán ar chur i bhfeidhm moltaí imscrúduithe

Faoi réir Acht na dTeangacha Oifigiúla, tá sé de chúram ar an gCoimisinéir Teanga tuarascáil a chur faoi bhráid gach Tí den Oireachtas má fheictear dó nach bhfuil comhlacht poiblí ag cur moltaí a rinne sé i dtuarascáil imscrúdaithe i ngníomh, i ndiaidh do thréimhse réasúnach ama a bheith caite. Go dtí seo, tá ceithre thuarascáil speisialta curtha faoi bhráid Thithe an Oireachtais ag an gCoimisinéir Teanga.

Le linn na bliana 2012, thionscain Oifig an Choimisinéara Teanga athbhreithniú ar ghéilliúlacht comhlachtaí poiblí do chur i bhfeidhm moltaí a bhí déanta i gceithre cinn déag de thuarascálacha imscrúduithe. Bhí aon cheann déag de na hathbhreithnithe sin tugtha chun críche faoi dheireadh na bliana reatha. Mar thoradh ar ár gcuid fiosrúchán, bhíomar sásta go raibh formhór na gcomhlachtaí poiblí ag tabhairt faoi chur i bhfeidhm na moltaí a bhí déanta sna tuarascálacha imscrúduithe.

Tháinig an Coimisinéir Teanga ar an tuairim, áfach, go raibh dhá chomhlacht phoiblí ann nach raibh ag tabhairt faoi chur i ngníomh mholtaí na n-imscrúduithe go cuí. Is iad na comhlachtaí poiblí a bhí i gceist ná Oifig na nOibreacha Poiblí agus Údarás Áitiúla Chontae na hIarmhí.

Oifig na nOibreacha Poiblí

De réir na Rialachán atá déanta faoi alt 9(1) d'Acht na dTeangacha Oifigiúla, 2003, ní mór do chomhlachtaí poiblí cloí le leagan amach áirithe maidir le feiceálacht, inléiteacht, méid cló, eolas agus eile ó thaobh úsáid dhá theanga oifigiúla an Stáit ar a gcuid stáiseanóireachta agus comharthaíochta.

In imscrúdú a rinneadh le linn na bliana 2011, cinneadh nach raibh stáiseanóireacht ná comharthaíocht Oifig na nOibreacha Poiblí ag cloí le riachtanais na Rialachán de thoradh tús áite a bheith tugtha don leagan Béarla d'ainm an chomhlachta phoiblí.

Cé nár ghlac Oifig na nOibreacha Poiblí leis go raibh sí ag sárú na reachtaíochta, ní dhearna sí aon achomharc chun na hArd-Chúirte, ar phonc dlí, i gcoinne chinneadh an Choimisinéara Teanga.

Mar fhreagra ar an iniúchadh a rinneadh ar chur i bhfeidhm mholtaí an imscrúdaithe, thug Oifig na nOibreacha Poiblí le fios, an athuair, gur mheas sí gur cuid den lógó a bhí in ainm na heagraíochta agus go raibh sé cláraithe mar thrádmharc oifigiúil. Is ar an mbonn sin nach raibh i gceist aici moltaí an imscrúdaithe a chur i bhfeidhm. Bhí an Coimisinéir Teanga tar éis déileáil leis an argóint seo mar chuid den imscrúdú agus ba dheimhin leis nach raibh díolúine ag ainm comhlachta phoiblí ó riachtanais teanga na rialachán.

Thug Oifig na nOibreacha Poiblí le fios go raibh moladh déanta aici, mar chuid den athbhreithniú ar Acht na dTeangacha Oifigiúla, go leasófaí na díolúintí atá ar fáil sna rialacháin chun trádmharc cláraithe a chur san áireamh. Ó tharla go bhfuil sé deimhnithe ag Oifig na nOibreacha Poiblí nach bhfuil i gceist aici moltaí an imscrúdaithe a chur i bhfeidhm, is beag rogha atá ar fáil don Choimisinéir Teanga ach tuarascáil speisialta a chur faoi bhráid Thithe an Oireachtais.

Monitoring the implementation of the recommendations of investigations

In accordance with the Official Languages Act, An Coimisinéir Teanga has the right to submit a report to each House of the Oireachtas if he forms the opinion that a public body is not implementing recommendations made by him in a report on an investigation after a reasonable period of time has elapsed. To date, An Coimisinéir Teanga has submitted four special reports to the Houses of the Oireachtas.

During 2012, the Office of An Coimisinéir Teanga initiated a review as to the compliance of public bodies in implementing recommendations made in fourteen investigations. Eleven of these reviews were brought to a conclusion by year end. As a result of our enquiries, we were satisfied that the majority of public bodies were implementing the recommendations made in these cases.

However, An Coimisinéir Teanga was of the opinion that two public bodies were not satisfactorily implementing recommendations made following investigations. The two public bodies concerned were the Office of Public Works and Westmeath County Council.

The Office of Public Works

In accordance with the Regulations made under section 9(1) of the Official Languages Act 2003, all public bodies must comply with certain provisions in relation to visibility, legibility, font size, equality of information, etc. in the use of both official languages of the State on their stationery and signs.

An investigation conducted in 2011 concluded that the stationery and signage of the Office of Public Works did not comply with the Regulations, as priority was given to the English version of the name of the public body.

Although the Office of Public Works did not accept that it was in breach of the legislation, it did not appeal the decision of An Coimisinéir Teanga to the High Court on a point of law.

In response to the audit conducted on the implementation of the investigation's recommendations, the Office of Public Works repeated that it believed the name of the public body formed part of the logo and was a registered trademark. Accordingly, it did not intend to implement the investigation's recommendations. An Coimisinéir Teanga had already dealt with this argument as part of the investigation and he was satisfied that the name of a public body was not exempted from the language requirements of the regulations.

The Office of Public Works informed us that it had recommended, as part of the review of the Official Languages Act, that exemptions available in the regulations be amended to include registered trademarks. As the Office of Public Works confirmed that it did not intend to implement the recommendations made in the investigation, An Coimisinéir Teanga has no alternative other than to submit a special report to the Houses of the Oireachtas.

Údaráis Áitiúla na hIarmhí

Léirigh imscrúdú a tugadh chun críche le linn na bliana 2011 gur sháraigh Comhairle Contae na hIarmhí dualgas reachtúil teanga a d'eascair as scéim teanga na heagraíochta. Chinn an t-imscrúdú nár cuireadh i bhfeidhm go cuí na gealltanais a bhí daingnithe ina scéim teanga maidir le húsáid na Gaeilge ar fhoirmeacha iarratais, ar bhróisiúir agus ar bhileoga eolais agus ar an suíomh gréasáin.

Le linn iniúchadh ar chur i bhfeidhm mholtaí an imscrúdaithe, thug Comhairle Contae na hIarmhí le fios go raibh dul chun cinn á dhéanamh aici chomh fada agus a bhain sé le foirmeacha iarratais a chur ar fáil i nGaeilge nó go dátheangach. Ba é seasamh na Comhairle, áfach, nach raibh d'acmhainn aici an suíomh gréasáin a chur ar fáil i nGaeilge ach amháin trí úsáid a bhaint as an áis 'Google Translate'. Bhí an Coimisinéir Teanga tar éis a chinneadh cheana féin, sa tuarascáil imscrúdaithe, nach raibh úsáid an chórais seo sásúil mar bhealach leis an ngealltanas a bhí tugtha sa scéim teanga a chomhlíonadh.

Mar thoradh ar an easpa dul chun cinn a bhí déanta i leith chur i bhfeidhm mholtaí an imscrúdaithe, socraíodh nach raibh de rogha reachtúil ann ach tuarascáil speisialta a chur faoi bhráid Thithe an Oireachtais.

Westmeath County Council

An investigation completed in 2011 found that Westmeath County Council was in breach of statutory language requirements arising from the organisation's language scheme. The investigation concluded that commitments contained in the language scheme relating to the provision of application forms, brochures, information leaflets and website in Irish were not fully implemented.

During the audit of the implementation of the investigation's recommendations, Westmeath County Council stated that progress was being made in relation to the provision of application forms in Irish or bilingually. However, the Council stated that it did not have the resources to provide an Irish version of its website other than by using the 'Google Translate' facility. An Coimisinéir Teanga had already stated in the report of the investigation that this system was not satisfactory as a means of implementing the commitments given in the language scheme.

As a result of the lack of progress made in implementing the recommendations following the investigation, it was decided that no statutory alternative was available other than to lay a special report before the Houses of the Oireachtas.

SCÉIMEANNA TEANGA

Scéimeanna daingnithe

Dhaingnigh an tAire Ealaíon, Oidhreacht agus Gaeltachta trí chéadscéim teanga le linn na bliana 2012. Chomh maith leis seo, dhaingnigh an tAire an dara scéim teanga le sé comhlacht poiblí.

De thoradh athruithe a tháinig ar stádas roinnt comhlachtaí poiblí, tá ceithre scéim teanga ann nach bhfuil feidhm leo a thuilleadh. Le linn na bliana reatha, rinneadh dhá scéim teanga a dhímholadh agus scoireadh dhá comhlacht poiblí a raibh scéim teanga daingnithe acu leis an Aire.

D'fhág sin go raibh 104 scéim teanga, a chuimsigh móriomlán 190 comhlacht poiblí, daingnithe faoi dheireadh 2012.

Scéimeanna in éag

Bhí 79 de na 104 scéim teanga imithe in éag faoi dheireadh na bliana 2012. In éagmais an dara scéim teanga nó an tríú scéim teanga a bheith aontaithe ag na comhlachtaí poiblí seo, ní raibh aon dualgas orthu treisiú ar na seirbhísí a chuirtear ar fáil don phobal trí Ghaeilge.

Dréachtscéimeanna

Ag deireadh na bliana, bhí 39 céad-dréachtscéim fós le daingniú ag an Aire Ealaíon, Oidhreacht agus Gaeltachta. Ina theannta seo, bhí iarrtha ag an Aire ar 73 comhlacht poiblí an dara dréachtscéim a ullmhú agus ar sheacht gcomhlacht poiblí an tríú dréachtscéim a ullmhú. Fágann sé seo go raibh iarrtha ar 119 comhlacht poiblí scéim teanga a ullmhú faoi dheireadh na bliana.

LANGUAGE SCHEMES

Schemes confirmed

The Minister for Arts, Heritage and the Gaeltacht confirmed three new language schemes during 2012. The Minister also confirmed a second language scheme with six public bodies.

Due to a change in the status of certain public bodies, four language schemes have lapsed. During the current year, two language schemes were superseded and a further two public bodies who had agreed language schemes with the Minister were dissolved.

As a result, there were 104 language schemes covering a total of 190 public bodies confirmed by the end of 2012.

Schemes expired

Of the 104 language schemes, 79 had expired by year end, 2012. This meant that, in the absence of a second or a third language scheme, no additional commitments in relation to improved services in Irish were required of those public bodies.

Draft schemes

By the end of 2012, some 39 first draft schemes remained to be confirmed by the Minister for Arts, Heritage and the Gaeltacht. In addition, the Minister had requested 73 public bodies to prepare a second draft scheme and 7 public bodies to prepare a third draft scheme. As a result, 119 public bodies have been requested to prepare a language scheme by year end.

Bliain inar daingníodh an chéad Scéim Teanga • Year in which first Language Scheme was confirmed

Bliain Year	Scéimeanna Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2004	01	01
2005	22	35
2006	18	36
2007	29	55
2008	15	28
2009	15	26
2010	05	10
2011	0	0
2012	03	03
	108	194
Scéimeanna dímholta Schemes superseded	02	02
Scéimeanna as feidhm Lapsed schemes	02	02
Iomlán • Total	104	190

An chéad dréachtscéim fós le daingniú • *First draft scheme not yet confirmed*

Bliain Year	Dreachtscéimeanna Draft Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2005	16	25
2006	71	129
2007	42	79
2008	30	54
2009	31	43
2010	26	34
2011	28	36
2012	39	49

An dara dréachtscéim fós le daingniú • *Second draft scheme not yet confirmed*

Bliain Year	Dreachtscéimeanna Draft Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2007	20	33
2008	22	35
2009	48	84
2010	54	104
2011	72	139
2012	73	149

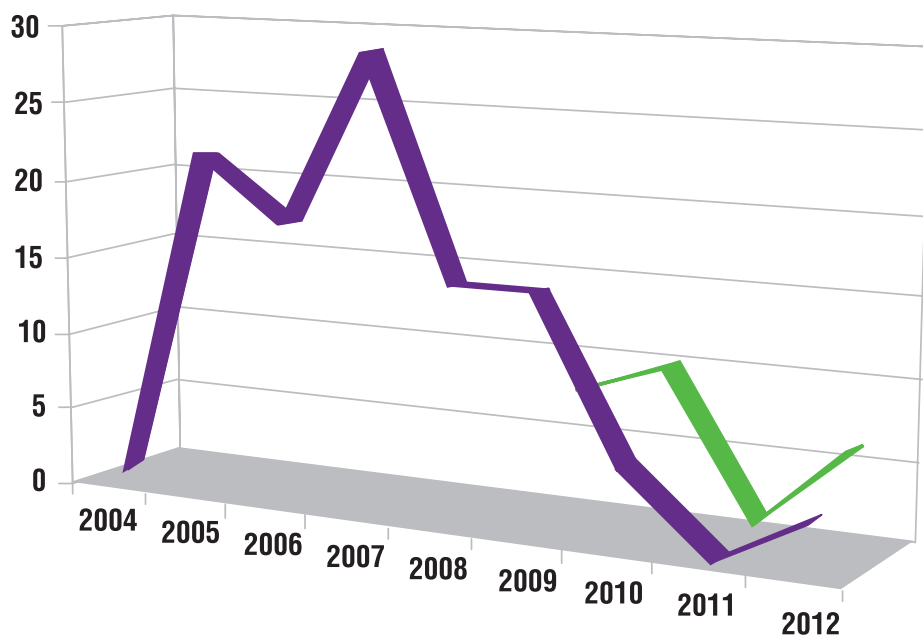
An tríú dréachtscéim fós le daingniú • *Third draft scheme not yet confirmed*

Bliain Year	Dreachtscéimeanna Draft Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2011	1	1
2012	7	8

Léirmheasanna / Iniúchtaí Críochnaithe • *Reviews / Audits Completed*

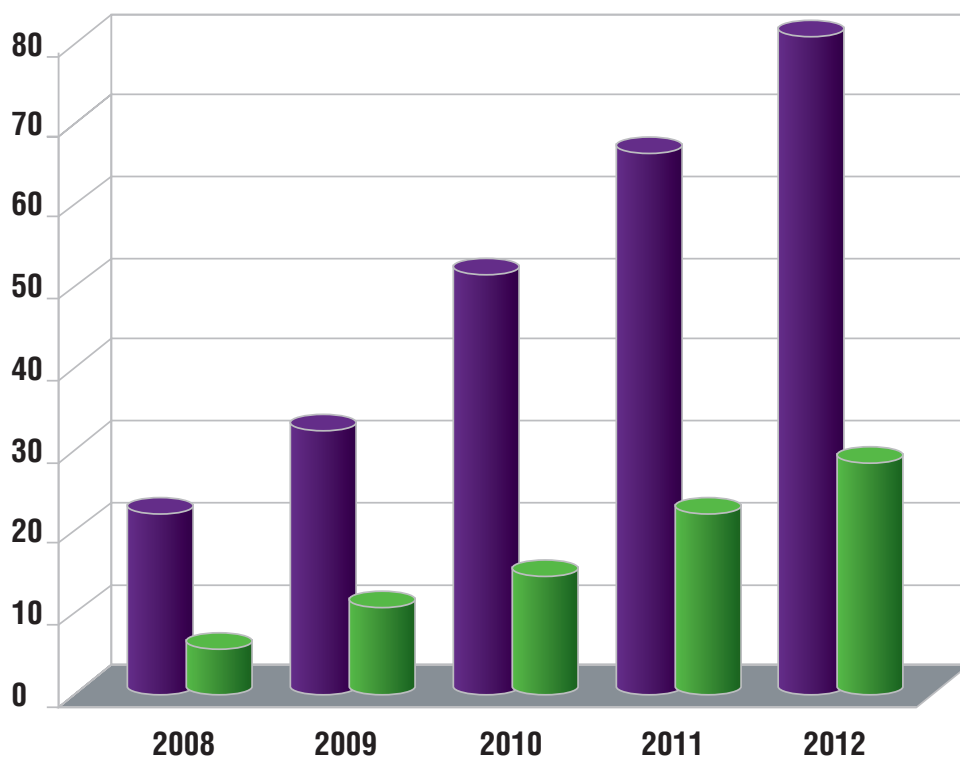
Bliain Year	Scéimeanna Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2006	09	16
2007	25	43
2008	42	74
2009	39	73
2010	33	50
2011	29	62
2012	21	34
Iomlán • Total	198	352

Scéimeanna Daingnithe ag an Aire • Schemes Confirmed by the Minister



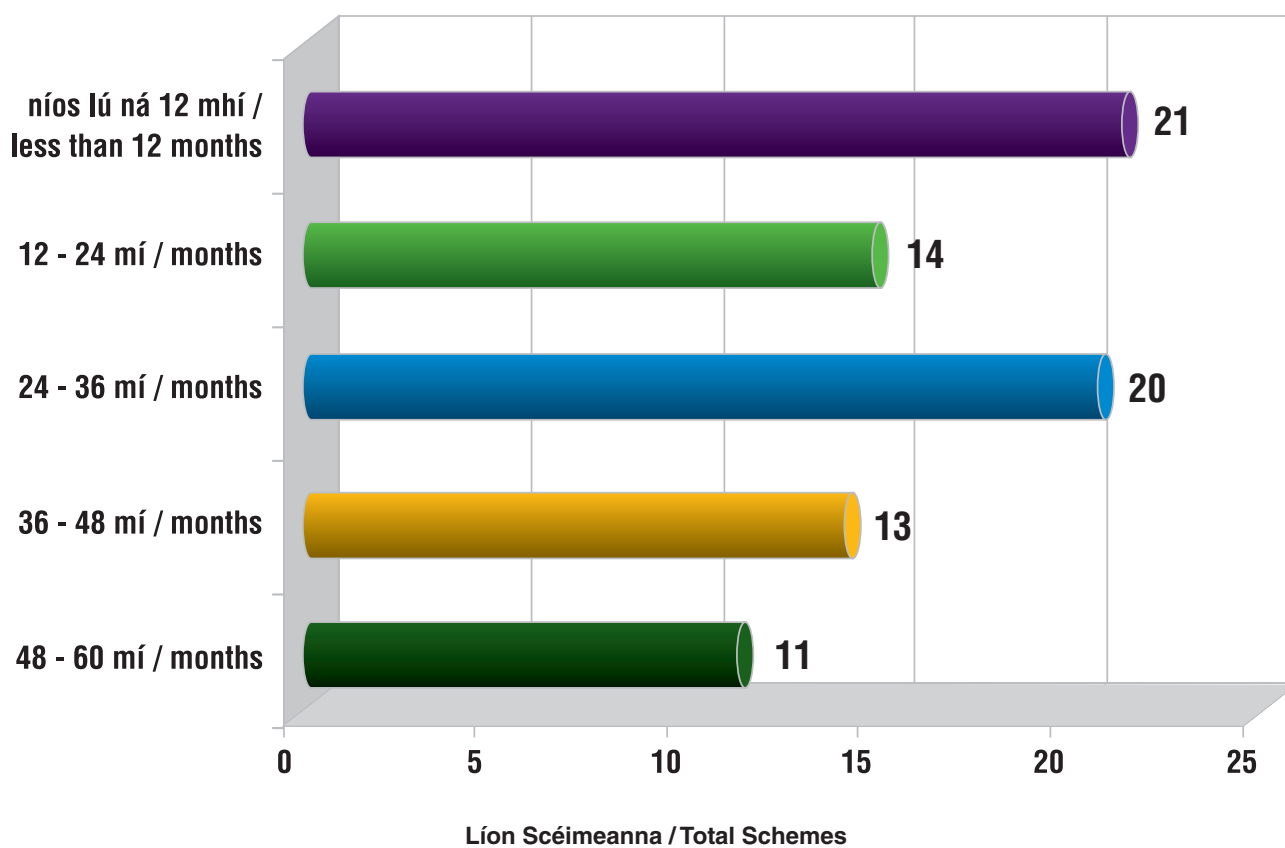
	2004	2005	2006	2007	2008	2009	2010	2011	2012
■ An Chéad Scéim Daingnithe • First Scheme Confirmed	1	22	18	29	15	15	5	0	3
■ An Dara Scéim Daingnithe • Second Scheme Confirmed						8	10	1	6

Scéimeanna imithe in éag • Schemes expired



	2008	2009	2010	2011	2012
■ Scéimeanna imithe in éag • Schemes expired	22	32	51	66	79
■ Meántréimhse scéim in éag (mí) • Average period scheme expired (month)	5	10	14	22	26

Tréimhse scéimeanna in éag • *Period schemes expired*



Scéimeanna daingnithe faoi dheireadh 2012 • Schemes confirmed by the end of 2012

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta tosaithe na chéad scéime Commencement date of first scheme	Dáta tosaithe an dara scéim Commencement date of second scheme
Oifig an Uachtaráin	Office of the President	28/04/2005	
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments	30/05/2005	11/05/2009
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions	01/07/2005	20/04/2010
An Chomhairle Ealaíon	The Arts Council	01/07/2005	
Oifig an Ombudsman & Oifig an Choimisinéara Faisnéise	Office of the Ombudsman & Office of the Information Commissioner	01/07/2005	27/11/2012
Coiste Gairmoideachais Chontae Dhún na nGall	County Donegal Vocational Educational Committee	01/07/2005	22/09/2009
Údarás Áitiúla Chiarraí	Kerry Local Authorities	26/07/2005	26/10/2010
An tSeirbhís Chúirteanna	The Courts Service	31/07/2005	
Údarás Áitiúla Chontae Phort Láirge	Waterford County Local Authorities	01/08/2005	
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil*	Department of the Environment, Community & Local Government	15/08/2005	20/07/2009
Údarás Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	23/08/2005	
Roinn an Taoisigh	Department of the Taoiseach	01/09/2005	21/12/2009
Feidhmeannacht na Seirbhíse Sláinte, Limistéar an Iarthair	Health Service Executive, Western Area	01/09/2005	
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	19/09/2005	
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	Galway-Mayo Institute of Technology	28/09/2005	
Oifig na gCoimisinéirí Ioncaim	Office of the Revenue Commissioners	01/10/2005	
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway	01/10/2005	23/10/2012
Údarás Áitiúla Dhún na nGall	Donegal Local Authorities	01/10/2005	01/07/2010
An tSeirbhís um Cheapacháin Phoiblí	Public Appointments Service	03/10/2005	
An Roinn Oideachais & Scileanna	Department of Education & Skills	01/12/2005	
An Roinn Airgeadais	Department of Finance	01/02/2006	
Ollscoil Chathair Bhaile Átha Cliath	Dublin City University	03/04/2006	
Seirbhís Oideachais Chontae Chiarraí	Kerry Education Service	15/05/2006	25/10/2010
An Roinn Talmhaíochta, Bia agus Mara	Department of Agriculture, Food and the Marine	01/06/2006	
Ollscoil Luimnigh	University of Limerick	01/06/2006	29/12/2009
An Roinn Dlí agus Cirt agus Comhionannais	Department of Justice and Equality	30/06/2006	
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	13/07/2006	
Coiste Gairmoideachais Chontae na Gaillimhe	County Galway Vocational Education Committee	01/08/2006	28/06/2010
Óglaigh na hÉireann	The Defence Forces	01/09/2006	22/12/2010
Comhairle Cathrach na Gaillimhe	Galway City Council	01/09/2006	23/12/2009
Údarás Áitiúla na Mí	Meath Local Authorities	01/09/2006	
Údarás Áitiúla Fhine Gall	Fingal Local Authorities	01/10/2006	
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádurtha	Department of Communications, Energy & Natural Resources	02/10/2006	
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade	01/12/2006	
Banc Ceannais na hÉireann	Central Bank of Ireland	01/12/2006	
Coláiste na hOllscoile, Corcaigh	University College Cork	01/12/2006	
Comhairle Contae Bhaile Átha Cliath Theas	South Dublin County Council	20/12/2006	30/7/2012
Údarás Áitiúla Mhaigh Eo	Mayo Local Authorities	22/12/2006	
Comhairle Contae Liatroma	Leitrim County Council	01/01/2007	
An Roinn Cosanta	Department of Defence	26/02/2007	25/10/2010
Oifig an Choimisinéara Cosanta Sonraí	Office of the Data Protection Commissioner	01/04/2007	18/10/2010
An tÚdarás Clárúcháin Maoine	Property Registration Authority	02/04/2007	
An Foras Riaracháin	Institute of Public Administration	10/04/2007	

Scéimeanna daingnithe faoi dheireadh 2012 • Schemes confirmed by the end of 2012

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta tosaithe na chéad scéime Commencement date of first scheme	Dáta tosaithe an dara scéim Commencement date of second scheme
Coimisiún Forbartha an Iarthair	Western Development Commission	10/04/2007	
An Roinn Iompair, Turasóireachta agus Spóirt	Department of Transport, Tourism and Sport	30/04/2007	
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee	30/04/2007	
Oifig na nOibreacha Poiblí	Office of Public Works	08/05/2007	
An Bord um Chúnamh Dílíthiúil	Legal Aid Board	28/05/2007	
An Roinn Coimirce Sóisialaí	Department of Social Protection	01/06/2007	
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee	01/06/2007	
Údaráis Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities & County Tipperary Joint Libraries Committee	01/06/2007	
Oifig an Ard-Aighne; Oifig na nDréachtóirí Parlaiminte don Rialtas; Oifig an Phríomh-Aturnae Stáit	Office of the Attorney General; Office of the Parliamentary Counsel to the Government; Chief State Solicitor's Office	20/06/2007	18/10/2010
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council	01/07/2007	
Údaráis Áitiúla an Chláir	Clare Local Authorities	20/08/2007	
An Bord Pleanála	An Bord Pleanála	01/09/2007	29/08/2011
Institiúid Teicneolaíochta Leitir Ceanainn	Letterkenny Institute of Technology	26/09/2007	20/06/2012
Coiste Gairmoideachais Chathair Bhaile Átha Cliath	City of Dublin Vocational Education Committee	01/10/2007	15/11/2010
Údaráis Áitiúla Chorcaí	Cork Local Authorities	01/10/2007	
Comhairle Cathrach Luimnigh	Limerick City Council	01/10/2007	
Údaráis Áitiúla Ros Comáin	Roscommon Local Authorities	01/10/2007	
Údaráis Áitiúla na hIarmhí	Westmeath Local Authorities	01/10/2007	
Comhairle Cathrach Chorcaí	Cork City Council	31/10/2007	
Coláiste Oideachais Eaglais na hÉireann	Church of Ireland College of Education	01/11/2007	07/08/2012
An Phríomh-Oifig Staidrimh	Central Statistics Office	05/11/2007	
Údaráis Áitiúla Lú	Louth Local Authorities	20/11/2007	
Teagasc	Teagasc	01/01/2008	
An Foras Áiseanna Saothair (FÁS)	The Training and Employment Authority (FÁS)	02/01/2008	
An Crannchur Náisiúnta	The National Lottery	02/01/2008	20/08/2012
Comhairle Contae Luimnigh	Limerick County Council	01/02/2008	
An Coimisiún Reifrinn	The Referendum Commission	06/03/2008	
Bord Soláthair an Leictreachais	Electricity Supply Board	17/03/2008	
An tÚdarás um Ard-Oideachas	Higher Education Authority	01/06/2008	
Údaráis Áitiúla Chontae Mhuineacháin	Monaghan Local Authorities	01/06/2008	
Comhairle Cathrach Phort Láirge	Waterford City Council	01/06/2008	
Leabharlann Chester Beatty	Chester Beatty Library	15/06/2008	
Údaráis Áitiúla an Longfoirt	Longford Local Authorities	01/07/2008	
An Bord um Fhaisnéis do Shaoránaigh	Citizens Information Board	07/07/2008	
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	Office of the Director of Corporate Enforcement	14/07/2008	
Údaráis Áitiúla Chontae Chill Dara	Kildare Local Authorities	08/09/2008	
Coiste Gairmoideachais Chontae Bhaile Átha Cliath	County Dublin Vocational Education Committee	01/10/2008	
Údaráis Áitiúla Cheatharlach	Carlow Local Authorities	01/10/2008	
Oifig an Ard-Reachtaire Cuntas & Ciste	Office of the Comptroller & Auditor General	19/01/2009	
Coiste Gairmoideachais Chontae Chorcaí	County Cork Vocational Education Committee	01/02/2009	
An Binse Comhionannais	The Equality Tribunal	01/02/2009	
Gailearaí Náisiúnta na hÉireann	National Gallery of Ireland	01/03/2009	
Bord Scannán na hÉireann	Irish Film Board	27/04/2009	

Scéimeanna daingnithe faoi dheireadh 2012 • Schemes confirmed by the end of 2012

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta tosaithe na chéad scéime Commencement date of first scheme	Dáta tosaithe an dara scéim Commencement date of second scheme
An Garda Síochána	An Garda Síochána	28/05/2009	
Údarás Áitiúla Chill Mhantáin	Wicklow Local Authorities	25/05/2009	
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	Companies Registration Office & Registry of Friendly Societies	26/05/2009	
Coiste Gairmoideachais Chontae an Chláir	County Clare Vocational Education Committee	01/07/2009	
Foras na Mara	Marine Institute	06/07/2009	
Údarás Áitiúla Chontae an Chabháin	Cavan Local Authorities	20/07/2009	
Comhairlí Contae & Cathrach Chill Chainnigh	Kilkenny County & City Councils	10/08/2009	
Údarás Áitiúla Laoise	Laois Local Authorities	01/12/2009	
An Roinn Sláinte	Department of Health	15/12/2009	
Coláiste na Tríonóide, Baile Átha Cliath	Trinity College Dublin	01/01/2010	
Údarás Áitiúla Loch Garman	Wexford Local Authorities	11/01/2010	
Údarás Áitiúla Shligigh	Sligo Local Authorities	28/07/2010	
Institiúid Teicneolaíochta Thrá Lí	Institute of Technology, Tralee	18/10/2010	
Institiúid Teicneolaíochta Dhún Dealgan	Dundalk Institute of Technology	18/10/2010	
An Roinn Post, Fiontar agus Nuálaíochta*	Department of Jobs, Enterprise & Innovation	25/10/2010	
An Roinn Ealaíon, Oidhreacht & Gaeltachta	Department of Arts, Heritage & the Gaeltacht	01/05/2012	
Institiúid Teicneolaíochta Bhaile Átha Cliath	Dublin Institute of Technology	22/05/2012	
Oifig Thithe an Oireachtais	Office of the Houses of the Oireachtas	31/07/2012	

* Ar an 26 Lúnasa, 2011, d'iarr an tAire Ealaíon, Oidhreacht agus Gaeltachta ar na comhlachtaí poiblí seo leasuithe a mholadh ar na scéimeanna teanga atá daingnithe i gcomhréir le halt 16 d'Acht na dTeangacha Oifigiúla, 2003.

On 26 August 2011, the Minister for Arts, Heritage and the Gaeltacht asked these public bodies to propose amendments to the confirmed language schemes in accordance with section 16 of the Official Languages Act 2003.

Dréachtscéimeanna le daingniú • Draft Schemes to be confirmed**An Chéad Scéim • First Scheme**

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta an Fhógra / Date Notice Issued	Tréimhse ó Dháta an Fhógra (míonna) / Period Elapsed from Date of Notice (months)
Údarás Áitiúla Thiobraid Árann Theas	South Tipperary Local Authorities	30/07/2006	77
An Ceoláras Náisiúnta	National Concert Hall	21/09/2006	75
Amharclann na Mainistreach (An Chuideachta Amharclann Náisiúnta Teoranta)	Abbey Theatre (National Theatre Society Ltd.)	21/09/2006	75
An tÚdarás Comhionannais	Equality Authority	21/09/2006	75
An Coimisiún um Scrúduithe Stáit	State Examinations Commission	21/09/2006	75
Institiúid Teicneolaíochta Thamhlachta	Institute of Technology, Tallaght	21/09/2006	75
Leabharlann Náisiúnta na hÉireann	National Library of Ireland	27/09/2006	75
Ard-Mhúsaem na hÉireann	National Museum of Ireland	27/09/2006	75
Suirbhéireacht Ordanáis Éireann	Ordnance Survey Ireland	27/09/2006	75
An Chomhairle Oidhreacht	Heritage Council	27/09/2006	75
Údarás Áitiúla Uíbh Fhailí	Offaly Local Authorities	10/06/2007	67
Feidhmeannacht na Seirbhíse Sláinte	Health Service Executive	10/06/2007	67
An Post	An Post	10/02/2009	47
Coláiste na hOllscoile, Baile Átha Cliath	University College Dublin	10/02/2009	47

Dréachtscéimeanna le daingniú • *Draft Schemes to be confirmed*

An Chéad Scéim • *First Scheme*

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta an Fhógra / Date Notice Issued	Tréimhse ó Dháta an Fhógra (míonna) / Period Elapsed from Date of Notice (months)
Institiúid Teicneolaíochta Chorcaí	<i>Institute of Technology, Cork</i>	10/02/2009	47
Institiúid Teicneolaíochta Shligigh	<i>Institute of Technology, Sligo</i>	05/10/2009	39
Institiúid Teicneolaíochta Bhaile Átha Luain	<i>Institute of Technology, Athlone</i>	05/10/2009	39
Institiúid Teicneolaíochta Phort Láirge	<i>Institute of Technology, Waterford</i>	05/10/2009	39
Coiste Gairmoideachais Chontae Chill Dara	<i>County Kildare Vocational Education Committee</i>	05/10/2009	39
Coiste Gairmoideachais Chontae Chill Mhantáin	<i>County Wicklow Vocational Education Committee</i>	05/10/2009	39
Coiste Gairmoideachais Chontae na Mí	<i>County Meath Vocational Education Committee</i>	05/10/2009	39
Coiste Gairmoideachais Chontae Mhaigh Eo	<i>County Mayo Vocational Education Committee</i>	05/10/2009	39
Raidió Teilifís Éireann	<i>Raidió Teilifís Éireann</i>	05/10/2009	39
An tÚdarás um Bóithre Náisiúnta	<i>National Roads Authority</i>	05/10/2009	39
An Roinn Caiteachais Phoiblí agus Athchóirithe	<i>Department of Public Expenditure and Reform</i>	26/08/2011	16
An Roinn Leanaí agus Gnóthaí Óige	<i>Department of Children and Youth Affairs</i>	26/08/2011	16
Grúpa Chóras Iompair Éireann	<i>CIE Group</i>	14/09/2012	3
Údarás Aerfort Chorcaí	<i>Cork Airport Authority</i>	14/09/2012	3
Údarás Aerfort Bhaile Átha Cliath	<i>Dublin Airport Authority</i>	14/09/2012	3
Údarás Aerfort na Sionainne	<i>Shannon Airport Authority</i>	14/09/2012	3
An Bord Bia	<i>An Bord Bia</i>	14/09/2012	3
Bord na Móna	<i>Bord na Móna</i>	14/09/2012	3
Bord Gáis Éireann	<i>Bord Gáis Éireann</i>	14/09/2012	3
Bord Iascaigh Mhara	<i>Bord Iascaigh Mhara</i>	14/09/2012	3
Fiontraíocht Éireann	<i>Enterprise Ireland</i>	14/09/2012	3
GFT Éireann	<i>IDA Ireland</i>	14/09/2012	3
Coillte	<i>Coillte</i>	14/09/2012	3
Fáilte Ireland – an tÚdarás Náisiúnta Forbartha Turasóireachta	<i>Fáilte Ireland – National Tourism Development Authority</i>	14/09/2012	3
Údarás Craolacháin na hÉireann	<i>Broadcasting Authority of Ireland</i>	14/09/2012	3

Dréachtscéimeanna le daingniú • Draft Schemes to be confirmed**An Dara Scéim • Second Scheme**

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta Scéim in Éag* Date Scheme Expires*	Tréimhse (míonna) ón Dáta Éaga / Period (months) from Date Expired
Oifig an Uachtaráin	Office of the President	27/04/2008	56
An Chomhairle Ealaíon	The Arts Council	30/06/2008	54
An tSeirbhís Chúirteanna	The Courts Service	30/07/2008	53
Údaráis Áitiúla Chontae Phort Láirge	County Waterford Local Authorities	31/07/2008	53
Údaráis Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	22/08/2008	52
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	18/09/2008	51
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	Galway-Mayo Institute of Technology	27/09/2008	51
Oifig na gCoimisinéirí Ioncaim	Office of the Revenue Commissioners	30/09/2008	51
An tSeirbhís um Cheapacháin Phoiblí	Public Appointments Service	02/10/2008	51
An Roinn Oideachais & Scileanna	Department of Education & Skills	30/11/2008	49
An Roinn Airgeadais	Department of Finance	31/01/2009	47
Ollscoil Chathair Bhaile Átha Cliath	Dublin City University	02/04/2009	45
An Roinn Talmhaíochta, Bia agus Mara	Department of Agriculture, Food and the Marine	31/05/2009	43
An Roinn Dlí agus Cirt agus Comhionannais	Department of Justice and Equality	29/06/2009	42
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	12/07/2009	42
Údaráis Áitiúla na Mí	Meath Local Authorities	31/08/2009	40
Údaráis Áitiúla Fhine Gall	Fingal Local Authorities	30/09/2009	39
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádurtha	Department of Communications, Energy & Natural Resources	01/10/2009	39
Banc Ceannais na hÉireann	Central Bank of Ireland	30/11/2009	37
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade	30/11/2009	37
Ollscoil na hÉireann, Corcaigh	University College Cork	30/11/2009	37
Údaráis Áitiúla Mhaigh Eo	Mayo Local Authorities	21/12/2009	36
Comhairle Contae Liatroma	Leitrim County Council	31/12/2009	36
An tÚdarás Clárúcháin Maoine	Property Registration Authority	01/04/2010	33
An Foras Riaracháin	Institute of Public Administration	09/04/2010	33
Coimisiún Forbartha an Iarthair	Western Development Commission	09/04/2010	33
An Roinn Iompair, Turasóireachta agus Spóirt	Department of Transport, Tourism and Sport	29/04/2010	32
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee	29/04/2010	32
Oifig na nOibreacha Poiblí	Office of Public Works	07/05/2010	32
An Bord um Chúnamh Dlíthiúil	Legal Aid Board	27/05/2010	31
An Roinn Coimirce Sóisialaí	Department of Social Protection	31/05/2010	31
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee	31/05/2010	31
Údaráis Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities & County Tipperary Joint Libraries Committee	31/05/2010	31
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council	30/06/2010	30
Údaráis Áitiúla an Chláir	Clare Local Authorities	19/08/2010	28
Údaráis Áitiúla Chorcaí	Cork Local Authorities	30/09/2010	27
Comhairle Cathrach Luimnigh	Limerick City Council	30/09/2010	27
Údaráis Áitiúla Ros Comáin	Roscommon Local Authorities	30/09/2010	27
Údaráis Áitiúla na hIarmhí	Westmeath Local Authorities	30/09/2010	27
Comhairle Cathrach Chorcaí	Cork City Council	30/10/2010	26
An Phríomh-Oifig Staidrimh	Central Statistics Office	04/11/2010	26
Údaráis Áitiúla Lú	Louth Local Authorities	19/11/2010	25
Teagasc	Teagasc	31/12/2010	24

Dréachtscéimeanna le daingniú • Draft Schemes to be confirmed

An Dara Scéim • Second Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta Scéim in Éag* Date Scheme Expires*	Tréimhse (míonna) ón Dáta Éaga / Period (months) from Date Expired
An Foras Áiseanna Saothair (FÁS)	The Training and Employment Authority (FÁS)	01/01/2011	24
Comhairle Contae Luimnigh	Limerick County Council	31/01/2011	23
An Coimisiún Reifrinn	The Referendum Commission	06/03/2011	22
Bord Soláthair an Leictreachais	Electricity Supply Board	17/03/2011	22
An tÚdarás um Ard-Oideachas	Higher Education Authority	01/06/2011	19
Údaráis Áitiúla Chontae Mhuineacháin	Monaghan Local Authorities	01/06/2011	19
Comhairle Cathrach Phort Láirge	Waterford City Council	01/06/2011	19
Leabharlann Chester Beatty	Chester Beatty Library	15/06/2011	19
Údaráis Áitiúla an Longfoirt	Longford Local Authorities	01/07/2011	18
An Bord um Fhaisnéis do Shaoránaigh	Citizens Information Board	07/07/2011	18
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	Office of the Director of Corporate Enforcement	14/07/2011	18
Údaráis Áitiúla Chontae Chill Dara	Kildare Local Authorities	08/09/2011	16
Coiste Gairmoideachais Chontae Átha Cliath	County Dublin Vocational Education Committee	01/10/2011	15
Údaráis Áitiúla Cheatharlach	Carlow Local Authorities	01/10/2011	15
Oifig an Ard-Reachtair Cuntas & Ciste	Office of the Comptroller & Auditor General	19/01/2012	12
Coiste Gairmoideachais Chontae Chorcaí	County Cork Vocational Education Committee	01/02/2012	11
An Binse Comhionannais	The Equality Tribunal	01/02/2012	11
Gailearaí Náisiúnta na hÉireann	National Gallery of Ireland	01/03/2012	10
Bord Scannán na hÉireann	Irish Film Board	27/04/2012	8
An Garda Síochána	An Garda Síochána	28/05/2012	7
Údaráis Áitiúla Chill Mhantáin	Wicklow Local Authorities	25/05/2012	7
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	Companies Registration Office & Registry of Friendly Societies	26/05/2012	7
Coiste Gairmoideachais Chontae an Chláir	County Clare Vocational Education Committee	01/07/2012	6
Foras na Mara	Marine Institute	06/07/2012	6
Údaráis Áitiúla Chontae an Chabháin	Cavan Local Authorities	20/07/2012	5
Comhairlí Contae & Cathrach Chill Chainnigh	Kilkenny County & City Councils	10/08/2012	5
Údaráis Áitiúla Laoise	Laois Local Authorities	01/12/2012	1
An Roinn Sláinte	Department of Health	15/12/2012	-
Coláiste na Tríonóide, Baile Átha Cliath	Trinity College Dublin	31/12/2012	-
Údaráis Áitiúla Loch Garman	Wexford Local Authorities	11/01/2013	-

Dréachtscéimeanna le daingniú • *Draft Schemes to be confirmed* An Tríú Scéim • *Third Scheme*

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta Scéim in Éag* Date Scheme Expires*	Tréimhse (míonna) ón Dáta Éaga / Period (months) from Date Expired
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments	11/5/2012	8
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil	Department of the Environment, Community & Local Government	20/07/2012	5
Coiste Gairmoideachais Chontae Dhún na nGall	County Donegal Vocational Educational Committee	22/09/2012	3
Roinn an Taoisigh	Department of the Taoiseach	21/12/2012	-
Comhairle Cathrach na Gaillimhe	Galway City Council	23/12/2012	-
Ollscoil Luimnigh	University of Limerick	29/12/2012	-
Oifig an Stiúrthóra Ionchúiseamh Poiblí	Office of the Director of Public Prosecutions	20/04/2013	-

* Nuair a théann scéim “in éag” (fo-alt 15(1) d’Acht na dTeangacha Oifigiúla), fanann forálacha na scéime i bhfeidhm go dtí go ndaingnítear scéim nua (fo-alt 14(3) den Acht).

* When a scheme “expires” (subsection 15(1) of the Official Languages Act), the scheme’s provisions remain in force until a new scheme has been confirmed (subsection 14(3) of the Act).

Scéimeanna teanga dímholta • *Superseded language schemes*

Bunscéim • <i>Original Scheme</i>	Scéim dímholta ag: • <i>Scheme Superseded by:</i>
An Roinn Gnóthaí Pobail, Comhionannais & Gaeltachta Department of Community, Equality & Gaeltacht Affairs	An Roinn Ealaíon, Oidhreacht & Gaeltachta Department of Arts, Heritage & the Gaeltacht
An Roinn Ealaíon, Spóirt agus Turasóireacht Department of Arts, Sport and Tourism	

Scéimeanna as feidhm • *Schemes lapsed*

Ainm an Chomhlachta Phoiblí	Name of Public Body	Cúis / Reason
An Bord Seirbhíse Ríomhaire Rialtais Áitiúil	Local Government Computer Services Board	An comhlacht poiblí scortha – an tAcht Rialtais Áitiúil (Forálacha Ilghnéitheacha), 2012 Public body dissolved – Local Government (Miscellaneous Provisions) Act 2012
An Bord Seirbhíse Bainistíochta Rialtais Áitiúil	Local Government Management Services Board	An comhlacht poiblí scortha – an tAcht Rialtais Áitiúil (Forálacha Ilghnéitheacha), 2012 Public body dissolved – Local Government (Miscellaneous Provisions) Act 2012

GEARÁIN

Tháinig méadú 3% le linn na bliana 2012 ar líon na gcásanna nua – ó 734 sa bhliain 2011 go dtí 756 in 2012 – a cuireadh faoi mo bhráid inar chreid daoine den phobal go raibh cúis ghearáin acu de bharr deacrachta nó faidhbe i dtaca le seirbhís a fháil trí Ghaeilge ón státchóras.

Mar a rinneadh sna blianta roimhe seo, fuarthas comhréiteach ar chuid mhór de na gearáin sin tríd an gcóras neamhfhoirmiúil réitithe gearán a fheidhmíonn m'Oifig nó trí chomhairle a chur ar fáil do ghearánaithe. Is mór agam an comhoibriú a fuair m'Oifig le déileáil le cásanna ar an mbealach sin. Tá réimse na ngearán fairsing agus ilghnéitheach, agus braitheann an cur chuige atá de dhíth go mór ar dhearcadh an chomhlachta phoiblí lena mbaineann sé. Bíonn comhoibriú maith le fáil go hiondúil ó fhorhmór na gcomhlachtaí poiblí. Samplaí de chomhréitigh a aontaíodh le linn na bliana 2012 is ea an dua agus an comhoibriú a léirigh an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil agus an Ghníomhaireacht Bainistíochta Rialtais Áitiúil agus í ag cinntiú go raibh leagan Gaeilge d'fhoirmeacha, den suíomh gréasáin agus den chóras íocaíochta ar líne ar fáil i gcás an Mhuirir Teaghlaigh, agus an Post ag cur leagan Gaeilge den chóras íocaíochta ar líne do cheadúnais teilifíse ar fáil. Tá achoimre ar na cásanna nár réitíodh tríd an gcóras neamhfhoirmiúil réitithe gearán agus inar seoladh imscrúduithe foirmiúla ina leith sa chaibidil den Tuarascáil dar teideal "Imscrúduithe".

Is ceart a rá nár bhain na gearáin ar fad chun na hOifige le linn na bliana le sárú ar dhualgais reachtúla faoi Acht na dTeangacha Oifigiúla, 2003, agus mar a bhí amhlaidh blianta eile, gur bhain cuid díobh le deacrachtaí agus fadhbanna níos ginearálta a bhain le gnó a dhéanamh trí Ghaeilge le heagraíochtaí stáit.

Ó thaobh na tíreolaíochta de, is ó Chontae Bhaile Átha Cliath is mó a tháinig na gearáin i mbliana arís, cé go raibh laghdú ar an gcéatadán sin go dtí 38% de na gearáin. Tháinig líon suntasach gearán arís ó Chontae na Gaillimhe (14.5%), Contae Chiarraí (7%), Contae Chill Chainnigh (5%), Contae Dhún na nGall (4%), Contae na Mí (4%), agus Contae Chorcaí (2.5%). Ón nGaeltacht a tháinig 26% de na gearáin – ardú suntasach ón mbliain seo caite – agus tháinig an 74% eile ó cheantair lasmuigh den Gaeltacht.

COMPLAINTS

There was an increase of 3% during 2012 in the number of new cases – from 734 in 2011 to 756 in 2012 – which were brought to my attention in which members of the public considered they had reason to complain because of difficulties or problems associated with obtaining services through Irish from public bodies.

As happened in previous years, most of the complaints were resolved through the informal complaints resolution mechanism operated by my Office or through providing advice to the complainants. I am grateful for the cooperation my Office received in dealing with cases in that way. The range of complaints is wide and varied and the amount of time and effort required often depends on the attitude of the public body concerned. Public bodies are, for the most part, cooperative. Examples of resolutions achieved during 2012 include the dedication and cooperation shown by the staff of the Department of the Environment, Community and Local Government and the Local Government Management Agency in providing an Irish version of the forms, website and online payments system in respect of the Household Charge, and the provision of an Irish version of the online payments system for TV licences by An Post. Summaries of cases that were not resolved in this manner and in respect of which formal investigations were launched are provided in the chapter of this Report entitled "Investigations".

It should be noted that not all complaints received during the year referred to breaches of statutory obligations under the Official Languages Act 2003, and as was the case in previous years, some related to more general difficulties and problems experienced by those attempting to conduct their business through Irish with state organisations.

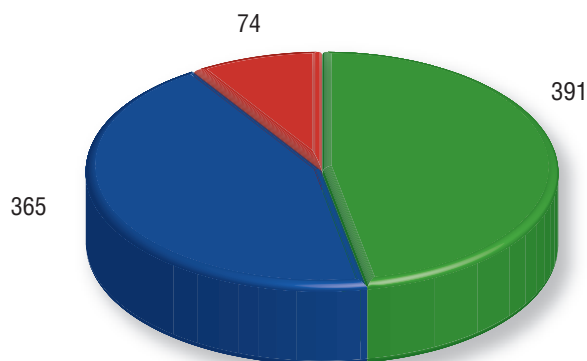
From a geographical perspective, the majority of the complaints once more came from County Dublin, although this percentage reduced to 38% this year. A substantial amount came from County Galway once more (14.5%), from County Kerry (7%), County Kilkenny (5%), County Donegal (4%), County Meath (4%), and County Cork (2.5%). 26% of complaints came from within the Gaeltacht – a substantial increase from the previous year – with the remaining 74% from areas outside the Gaeltacht.

Gearáin: Deacrachtaí agus Fadhbanna – Staitisticí • Complaints: Difficulties and Problems – Statistics

Gearáin le linn 2012 • Complaints during 2012

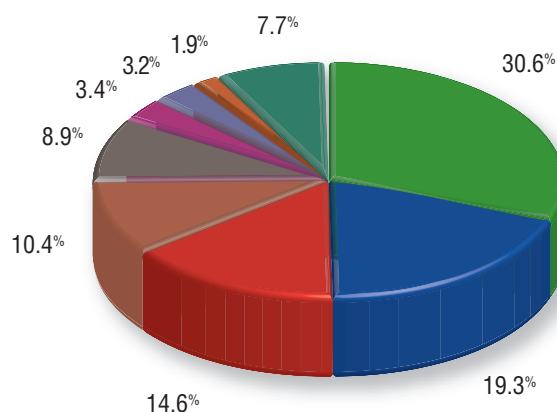
Gearáin nua, 2012 • <i>New complaints, 2012</i>	756
Gearáin tugtha ar aghaidh ó 2011 • <i>Complaints brought forward from 2011</i>	60
Móiriomlán na ngearán – deacrachtaí agus fadhbanna • <i>Total complaints – difficulties and problems</i>	816

	2011	2012
■ Comhairle tugtha maidir le gearáin <i>Advice given in respect of complaints</i>	369	391
■ Gearáin fiosraithe agus críochnaithe <i>Complaints investigated and finalised</i>	353	365
■ Gearáin oscailte ag deireadh na bliana <i>Complaints open at year end</i>	60	74



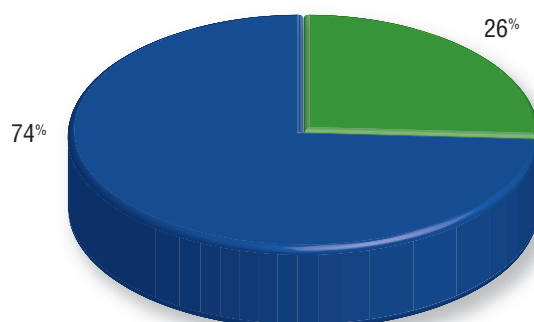
Céatadán na ngearán de réir cineáil • Percentage of complaints by type

	2011	2012
■ Foráil de scéim teanga (san áireamh: cártaí aitheantais, suíomhanna gréasáin agus foirmeacha) <i>Provision of a language scheme (including identity cards, websites and forms)</i>	25.9%	30.6%
■ Easpa Gaeilge ar chomharthaíocht & stáiseanóireacht • <i>Lack of Irish on signage and stationery</i>	19.8%	19.3%
■ Easpa Gaeilge ar chomharthaí bóthair • <i>Lack of Irish on road signs</i>	15.7%	14.6%
■ Fadhb le hainm agus/nó seoladh i nGaeilge • <i>Problem with use of name and/or address in Irish</i>	8.6%	10.4%
■ Freagraí i mBéarla ar chumarsáid i nGaeilge • <i>Replies in English to correspondence in Irish</i>	7.5%	8.9%
■ Bileoga nó ciorcláin i mBéarla amháin • <i>Leaflets or circulars in English only</i>	3.3%	3.4%
■ Achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge • <i>Other enactments relating to the use or status of Irish</i>	7.2%	3.2%
■ Alt 32/33 – Logainmneacha Gaeltachta • <i>Section 32/33 – Gaeltacht Placenames</i>	1.5%	1.9%
■ Eile (cúiseanna aonair) • <i>Other (individual issues)</i>	10.5%	7.7%
IOMLÁN • TOTAL	100%	100%



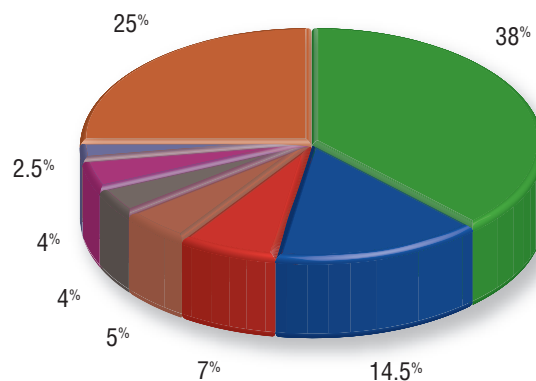
Gearáin: An Ghaeltacht agus lasmuigh den Ghaeltacht • Complaints: Gaeltacht and non-Gaeltacht

	2011	2012
■ An Ghaeltacht • <i>Gaeltacht</i>	21%	26%
■ Lasmuigh den Ghaeltacht • <i>Non-Gaeltacht</i>	79%	74%
IOMLÁN • TOTAL	100%	100%



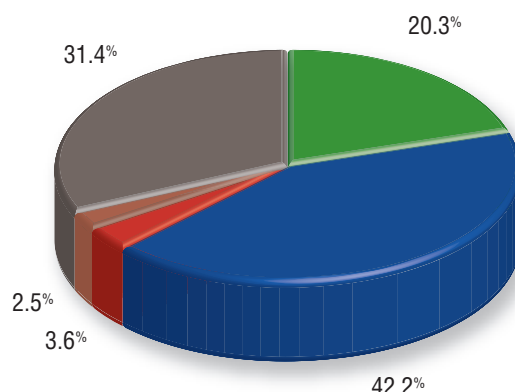
Gearáin de réir contae • Complaints by county

	2011	2012
Baile Átha Cliath • Dublin	50%	38%
Gaillimh • Galway	12.5%	14.5%
Ciarraí • Kerry	6.5%	7%
Cill Chainnigh • Kilkenny	-	5%
Dún na nGall • Donegal	4.5%	4%
An Mhí • Meath	-	4%
Corcaigh • Cork	4%	2.5%
Eile • Other	17%	25%
IOMLÁN • TOTAL	100%	100%



Gearáin de réir cineál comhlachta phoiblí • Complaints by type of public body

	2011	2012
Ranna & oifigí rialtais Government departments & offices	16.5%	20.3%
Údaráis áitiúla Local authorities	39.5%	42.2%
Údaráis sláinte Health authorities	5%	3.6%
Údaráis oideachais Education authorities	-	2.5%
Eagraíochtaí eile stáit Other state organisations	39%	31.4%
IOMLÁN • TOTAL	100%	100%



Staitisticí

Mar a léiríonn na staitisticí thuas, i measc na nithe a ndearnadh gearán fúthu, bhain an chuid ba líonmhaire díobh (30.6%) le cur i bhfeidhm gealltanas a thug comhlachtaí poiblí faoi scéimeanna reachtúla teanga a aontaíodh faoi alt 11 den Acht. Bhí íslíú ó 19.8% go dtí 19.3% ar chéatadán na ngearán a bhain le húsáid na Gaeilge ar chomharthaíocht agus ar stáiseanóireacht comhlachtaí poiblí, i gcomhréir leis na Rialacháin faoi fho-alt 9(1) den Acht. Bhí íslíú ar chéatadán na ngearán a bhain le sárú ar fhorálacha d'achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge, ó 7.2% go 3.2%. Ar ndóigh, baineann na gearáin maidir le húsáid na Gaeilge ar chomharthaí tráchta leis an réimse seo chomh maith, ach léirítear an figiúr sin go hiondúil mar fhigiúr neamhspleách: 14.6% de na gearáin a bhain le húsáid na Gaeilge ar chomharthaí tráchta – titim bheag ar líon na bliana seo caite. Sa *Lámhleabhar do Chomharthaí Tráchta* a leagtar síos na dualgaí atá ar na húdaráis bóithre i leith úsáid na Gaeilge ar chomharthaí tráchta.

Bhí ardú, go dtí 10.4%, in 2012 ar chéatadán na ngearán maidir le deacrachtaí a bhain le hainm agus seoladh i nGaeilge. Bhain siad sin le hainmneacha agus seoltaí a bheith litrithe go míchruinn i nGaeilge, nó litrithe i mBéarla, nó le córas ríomhaireachta gan a bheith in oiriúint don síneadh fada. Tháinig ardú ar chéatadán na ngearán i dtaca le freagraí i mBéarla ar chomhfhreagras i nGaeilge, ó 7.5% in 2011 go dtí 8.9% in 2012. Bhí méid áirithe gearán ann chomh maith a bhain le bileoga nó ciorcláin i mBéarla amháin (3.4%) agus le logainmneacha Gaeltachta (1.9%).

Statistics

As the above statistics show, the largest number of complaints (30.6%) related to the implementation of commitments made by public bodies in statutory language schemes agreed under section 11 of the Act. There was a decrease from 19.8% to 19.3% in the percentage of the complaints relating to the use of Irish on public bodies' signage and stationery, in accordance with the Regulations under subsection 9(1) of the Act. There was a decrease in the percentage of complaints relating to a breach of the provisions of other enactments concerning the status or use of Irish, from 7.2% to 3.2%. Of course, complaints relating to the use of Irish on road signs belong by right to this category, but this is generally provided as an independent figure: 14.6% of complaints related to the use of Irish on traffic signs, a small reduction on last year's figure. The obligations on roads authorities in respect of road traffic signage are set out in the *Traffic Signs Manual*.

There was an increase in 2012, to 10.4%, in the percentage of complaints regarding problems with the use of names and addresses in Irish. These concerned names and addresses that were spelt incorrectly in Irish, or spelt in English, or where computer systems could not handle the *síneadh fada*. There was an increase in complaints regarding replies in English to correspondence in Irish, from 7.5% in 2011 to 8.9% in 2012. There were also a number of complaints with regard to leaflets or circulars in English only (3.4%) and Gaeltacht placenames (1.9%).

IMSCRÚDITHE

Is é atá i gceist le himscrúdú ná fiosrúchán oifigiúil a sheoltar ar bhonn foirmiúil reachtúil de réir na bhforálacha atá in Acht na dTeangacha Oifigiúla. Tá an t-údarás agus na cumhachtaí cuí chuige seo tugtha dom mar Choimisinéir Teanga faoin Acht; baineann sé seo le cásanna inar dóigh liom gur theip ar chomhlachtaí poiblí a ndualgais reachtúla a chomhlíonadh faoin Acht, agus baineann sé fosta le haon fhoráil d'aon achtachán eile a bhaineann le stádas nó le húsáid na Gaeilge.

Is féidir imscrúdú a dhéanamh a bheadh bunaithe ar ghearrán ó aon duine, ar iarratas ón Aire Ealaíon, Oidhreacht agus Gaeltachta, nó ar mo thionscnamh féin.

Is próiseas foirmiúil é an córas imscrúdaithe a thógann cuid mhaith ama agus acmhainní ar an gcomhlacht poiblí a bhíonn i gceist agus ar m'Oifig. Dá bhrí sin, is iondúil go ndéantar iarracht an gearán a réiteach ar dtús trí chóras neamhfhoirmiúil réitithe gearán na hOifige.

Tá dualgas reachtúil ar chomhlachtaí poiblí agus ar dhaoine ar leith ar oifigigh de chuid comhlachtaí poiblí iad comhoibriú leis an imscrúdú agus faisnéis nó taifid dá gcuid a bhaineann le hábhar an imscrúdaithe a thabhairt dom. Is iondúil go n-iarrtar tuairisc i scríbhinn maidir leis an ábhar ar an gcomhlacht poiblí chomh maith. Má iarraim ar aon duine ar leith teacht i mo láthair le faisnéis ó bhéal a thabhairt, tá an duine sin i dteideal na ndíolúintí agus na bpríhléidí céanna is a bheadh ag finné os comhair na hArd-Chúirte.

Déantar foráil san Acht d'fhíneáil nach mó ná €2,000 agus/nó príosúnacht ar feadh téarma nach faide ná 6 mhí a ghearradh ar dhuine a chiontófaí i gcúirt as díúltú comhoibriú le himscrúdú, as loiceadh ina d(h)ualgas comhoibriú le himscrúdú nó as bac a chur le hobair imscrúdaithe.

Is féidir imscrúdú a sheoladh i gcásanna ina líomhnaítear gur theip ar chomhlacht poiblí a dhualgais reachtúla a chomhlíonadh i dtaca le:

- Forálacha díreacha an Achta;
- Rialacháin atá déanta faoin Acht;
- Scéim teanga atá daingnithe faoin Acht;
- Aon fhoráil d'aon achtachán eile a bhaineann le stádas nó le húsáid na Gaeilge.

Ciallaíonn “achtachán” reacht nó ionstraim arna déanamh faoi chumhacht a thugtar le reacht.

Tá dualgas reachtúil orm faoin Acht tuarascáil a eisiúint chuig na páirtithe cuí i gcás ina seolaim imscrúdú. Bíonn mo chinneadh i leith an ghearráin agus na moltaí cuí sa tuarascáil sin. Is féidir achomharc a dhéanamh chuig an Ard-Chúirt ar phonc dlí i gcoinne an chinnidh laistigh de cheithre seachtaine.

INVESTIGATIONS

An investigation is an official enquiry carried out on a formal statutory basis in accordance with the provisions of the Official Languages Act. As Coimisinéir Teanga, I have been given the relevant authority and powers under the Act to carry out investigations, not only in cases where I suspect that public bodies have failed to comply with their statutory obligations under the Act, but also under any provisions of any other enactments which relate to the status or use of Irish.

An investigation may be conducted based on a complaint from an individual, on the request of the Minister for Arts, Heritage and the Gaeltacht, or on my own initiative.

The investigation process is a formal procedure, the completion of which may require a substantial amount of time and resources from both the public body concerned and my Office. As a result, efforts are usually made to resolve the complaint in the first instance through the informal complaints procedure operated by the Office.

Public bodies and individuals who are officials of public bodies have a statutory obligation to cooperate with the investigation and to provide me with information or records they may have which relate to the subject of the investigation. A written report on the matter is usually requested from the public body also. If I require any person to attend before me to provide information orally, such person is entitled to the same immunities and privileges as a witness before the High Court.

The Act provides for a fine not exceeding €2,000 and/or imprisonment for a term not exceeding 6 months for a person convicted of failing or refusing to cooperate with an investigation or who hinders or obstructs such an investigation.

An investigation may be conducted in cases where it is alleged that a public body failed to comply with its statutory obligations in respect of:

- Direct provisions of the Act;
- Regulations made under the Act;
- A language scheme confirmed under the Act;
- Any provision of any other enactment relating to the status or use of Irish.

An “enactment” is defined as a statute or an instrument made under a power conferred by a statute.

I am statutorily obliged under the Act to issue a report to the relevant parties in cases where I have conducted an investigation. My decision on the complaint and the relevant recommendations are included in that report. An appeal may be made to the High Court on a point of law against the decision within a period of four weeks.

Seoladh 13 imscrúdú nua le linn 2012. Bhí ceithre imscrúdú neamhchríochnaithe ann a tugadh ar aghaidh ó 2011. Mar sin, bhí 17 n-imscrúdú idir lámha le linn na bliana 2012 agus críochnaíodh iad ar fad cé is moite de thrí cinn, faoi dheireadh na bliana. Dá bhrí sin, tá achoimre ar 14 imscrúdú sa Tuarascáil seo.

Líon na nImscrúduithe	2011	2012
Tugtha ar aghaidh ón mbliain roimhe	1	4
Imscrúduithe seolta	15	13
Iomlán idir lámha	16	17
Tugtha ar aghaidh go dtí an chéad bhliain eile	4	3
Iomlán críochnaithe / scortha	12	14

Is ceart a thuiscint go soiléir nach bhfuil sna hachoirí seo ar na himscrúduithe ach cuntais ghairide ar chásanna a bhí, in amanna, casta agus teicniúil agus a bhí bunaithe go minic ar argóintí dlíthiúla agus praiticiúla. Achoimrí atá iontu ar na tuarascálacha oifigiúla a eisíodh i nGaeilge de réir alt 26 den Acht chuig na páirtithe cuí de thoradh na n-imscrúduithe.

Is sna tuarascálacha oifigiúla sin, agus iontu sin amháin, atá na tuairiscí údarásacha ar na himscrúduithe.

A total of 13 new investigations were commenced in 2012. Four uncompleted investigations were carried forward from 2011. Consequently, there were 17 investigations in hand during 2012 and all but three of those investigations had been completed by the end of the year. Therefore, summaries are provided in this Report of 14 investigations.

Number of Investigations	2011	2012
Brought forward from previous year	1	4
Investigations launched	15	13
Total in hand	16	17
Brought forward to next year	4	3
Total completed / discontinued	12	14

It should be clearly understood that these summaries of investigations are merely condensed accounts of the actual investigations – cases which were at times of a complex and technical nature and which were often based on legal and practical arguments. They are summaries of the official reports issued in accordance with section 26 of the Act to the relevant parties in Irish as a result of the investigations.

It is in those official reports, and in those reports alone, that the authoritative accounts of investigations may be found.

ACHOIMRÍ AR IMSCRÚDITHE 2012

An Garda Síochána

Léirigh imscrúdú gur sháraigh an Garda Síochána an dualgas reachtúil teanga atá daingnithe i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla, fad is a bhain sé le fo-alt 1.3 de scéim teanga an Gharda Síochána, nuair a gabhadh an gearánach sa chás seo i nDún Droma, Baile Átha Cliath ar an 11 Feabhra, 2011, faoi alt 107 de na hAchtanna um Thrácht ar Bhóithre, 1961-2011. Theip ar an nGarda Síochána mar eagraíocht, ag an bpointe ar gabhadh ar thaobh an bhóthair é, géilleadh don cheart a aithníonn an eagraíocht sin a bheith bronnata ina scéim teanga ar gach saoránach a g(h)nó a dhéanamh i nGaeilge leo.

Rinneadh gearán le hOifig an Choimisinéara Teanga gur gabhadh fear san éagóir de bharr gur iarr sé ar Gharda a stop é i dtaca le cion tráchta a chuid gnó a dhéanamh trí Ghaeilge. Tugadh an fear faoi ghlais lámh go stáisiún Gardaí, áit ar coinníodh é go dtí go raibh ball den Gharda Síochána ar fáil le plé leis i nGaeilge.

Dúirt an gearánach gur fhág *“an t-eispéireas ar fad náirithe agus maslaithe mé, agus dúradh liom roinnt uaireanta nach raibh ceart agam an gnó a dhéanamh trí Ghaeilge, nár chóir dom sin a dhéanamh, is nach mbeinn gafa murach an Ghaeilge a bheith á labhairt agam. Ghlac sé thart ar uair a chloig (ó ghabhadh go saoradh) ach mhothaigh mé faoi bhagairt faoi bhrú is néirbhíseach i rith an ama. Táim cinnte deimhnitheach de gur gabhadh mé as bheith as labhairt Gaeilge agus as sin amháin. Úsáideadh an leithscéal go raibh me ag diúltú mo cheadúnas a thabhairt dóibh, rud nach raibh fíor in aon chor. Tá an-díomá, fearg agus buairt orm as ar tharla, an easpa measa agus an sárú a rinneadh ar mo chearta...”*

Mar chuid den imscrúdú, fuarthas freagraí i scríbhinn ó údaráis an Gharda Síochána agus cuireadh agallaimh ar na páirtithe ar fad ina nduine agus ina nduine. B'ábhar iontais don fhoireann imscrúdaithe nach raibh oiread Gaeilge ag ceachtar den dá chomhalta den Garda Síochána a stop an tiománaí ar thaobh an bhóthair le *“Cad is ainm duit?”* a fhiafraí nó seoladh an tiománaí a lorg i nGaeilge nó nach raibh fáil ar chóras foirfe le tacú leo an cás a láimhseáil gan an duine a ghabháil agus a thabhairt faoi ghlais lámh chuig stáisiún Gardaí. Dá n-éireodh leo céannacht an tiománaí a dheimhniú trí Ghaeilge, ní ghabhfaí é faoi alt 107 den Acht um Thrácht ar Bhóithre, 1961. Ba chomhaltaí iad seo den Gharda Síochána a fuair a gcuid oideachais i gcóras scolaíochta na hÉireann agus nach raibh ach beagán blianta i gceist ó d'fhág siad cúrsa traenála an Gharda Síochána sa Teampall Mór. Tháinig sé chun solais le linn an imscrúdaithe gur cosúil gur ar an mbonn céanna lena ndéileálfaí le *“náisiúnaigh ón gcoigríoch”* a mheas na Gardaí ba cheart déileáil le duine ar mhian leis a chuid gnó a dhéanamh trí Ghaeilge: tháinig an coincheap sin chun cinn go rialta sa dioscúrsa le linn an imscrúdaithe.

Tá an méid seo a leanas deimhnithe i scéim teanga an Gharda Síochána a tháinig i bhfeidhm ar an 28 Bealtaine, 2009:

“Aithníonn an Garda Síochána ceart gach saoránaigh a c(h)uid gnó a dhéanamh i nGaeilge agus tá sé tiomanta do chur chun feidhme Acht na dTeangacha Oifigiúla 2003 ina iomláine.”

SUMMARIES OF 2012 INVESTIGATIONS

An Garda Síochána

An investigation found that An Garda Síochána failed to comply with the statutory duties in subsection 18(1) of the Official Languages Act with regard to subsection 1.3 of the Garda Síochána language scheme when the complainant in this case was arrested in Dundrum, Dublin on 11 February 2011 under section 107 of the Road Traffic Acts, 1961-2011. An Garda Síochána, as an organisation, failed to grant him the right which its language scheme confirms as the right of every citizen to conduct their business through Irish, which led to his arrest at the roadside.

A complaint was made to the Office of An Coimisinéir Teanga that a man had been unjustly arrested, because he asked a Garda to deal with him through Irish when he was stopped in relation to a traffic offence. The man was taken in handcuffs to a Garda station where he was detained until a Garda was available who could speak with him in Irish.

The complainant said that the experience left him *“shamed and insulted and I was told several times that I did not have a right to conduct business through Irish, that I should desist and that I would not have been arrested if I hadn't spoken in Irish. It was approximately one hour from the time of my arrest to my release but I felt under threat and nervous all the time. I am convinced that I was arrested for speaking Irish and for that reason alone. Their excuse was that I was refusing to give them my licence but that was not true at all. I am very disappointed, angry and upset about what happened and about the lack of respect and the infringement of my rights...”* (trans.)

During the investigation, replies were received in writing from the Garda Síochána authorities and those involved in the incident were interviewed separately. The investigation found it surprising that neither of the two members of An Garda Síochána who stopped the driver at the roadside had sufficient Irish to ask *“Cad is ainm duit?”* or to request the driver's address in Irish; nor was there any effective system in place to support them in dealing with the case without resorting to arresting the driver and escorting him in handcuffs to the Garda station. If they had established the driver's identity through Irish, he would not have been arrested under section 107 of the Road Traffic Act 1961. The Gardaí in question were members of the force who had received their education through the Irish education system and had completed their training as members of An Garda Síochána in Templemore some short years previously. It emerged during the investigation that the Gardaí involved appeared to suggest that those who wished to conduct their business through Irish should be treated in the same way as *“foreign nationals”*; that concept came into use regularly in the discourse surrounding this matter.

The following is confirmed in the Garda language scheme which came into force on 28 May 2009:

“An Garda Síochána recognises the right of citizens to conduct their business in Irish and is committed to the full implementation of the Official Languages Act 2003.”

Tá sé cinntithe freisin i bhfo-alt 3.10 den scéim teanga go bhfuil teidlíocht dlí ag daoine gafa a gcuid gnó a dhéanamh i nGaeilge:

“Tá teidlíocht dlí ag daoine gafa ar a gcuid gnó a dhéanamh trí Ghaeilge.”

Foráiltear i bhfo-alt 18(1) d’Acht na dTeangacha Oifigiúla, i gcás go ndaingneoidh an tAire cuí scéim faoin Acht seo, go rachadh an comhlacht poiblí ar aghaidh leis an scéim a chur i gcrích.

Níor ghlac údaráis an Gharda Síochána leis gur sháraigh an eagraíocht a dhualgas teanga mar atá leagtha amach i bhfo-alt 1.3 agus 3.10 de Scéim Teanga an Gharda Síochána, 2009-2012, ina bhfreagra chuig an imscrúdú:

“Is é an Garda Síochána an tseirbhís phóilíneachta do Phoblacht na hÉireann agus is eagraíocht náisiúnta é le foireann de, isteach is amach le, 14,200 Garda agus 2700 foireann sibhialtach agus cuimsíonn sé os cionn 700 stáisiún an Gharda Síochána mar aon le hoifigí eile ar fud an náisiúin. Tá an t-ádh ar eagraíocht an Gharda Síochána go bhfuil mórán den fhoireann in ann déileáil le baill den phobal trí mheán na Gaeilge agus an Bhéarla.

Beidh deacrachtaí ag an eagraíocht, ámh, pearsanra leis na scileanna cuí a bheith ar fáil ag gach áit nó comhéadan leis an bpobal agus mar gheall air seo tá chur chuige réasúnaithe ag teastáil chun ár gcuid freagrachtaí faoin Acht a chomhlíonadh agus chun ligint don eagraíocht seirbhís phóilíneachta cáilíochta a sholáthar i nGaeilge agus i mBéarla.

Rinne an Garda Síochána iarracht an Ghaeilge a chothú trí pholasaithe inmheánacha éagsúla thar na blianta fiú roimh theacht an Achta. Cuireann an Garda Síochána grinnchlár oiliúna Gaeilge ar fáil chuige seo a chaithfidh gach pearsanra a chríochnú go rathúil sula mbeidh siad dearbhaithe isteach san eagraíocht. Bíonn 41 uair a chloig teagasc i gceist i Mír 1 dá gcuid oiliúna agus a thuilleadh 22 uair a chloig teagasc i Mír III dá gcuid oiliúna.”

Thug údaráis an Gharda Síochána le fios freisin go raibh liosta cuimsitheach de chainteoirí líofa Gaeilge laistigh den eagraíocht curtha le chéile le déanaí aige. Tugadh le fios gur de bharr cionta um thrácht ar bhóithre a gabhadh an gearánach. Dúradh an méid seo faoin gcás ón uair a “tógadh” an gearánach chuig stáisiún an Gharda Síochána: “...cuireadh fios ar Gharda a bhí líofa sa Ghaeilge chun a bheith i láthair d’fhonn comhrá a dhéanamh leis an ngearánach. Dúradh leis an ngearánach ansin, trí Ghaeilge, faoi chúiseanna a ghabháil agus míníodh an méid sin dó i ngnáththeanga. Bhí gach uile teangmháil a rinneadh leis an ngearánach ina dhiaidh sin trí mheán na Gaeilge. Cuireadh é seo i gcrích chomh luath praiticiúil agus ab fhéidir é.”

Níor bhain na líomhaintí tiomána faoi alt 53 de na hAchtanna um Thrácht ar Bhóithre, 1961-2011 leis an imscrúdú agus is cás é sin don chúirt chuí amháin. Níor bhain leis an imscrúdú ach gné na teanga den scéal agus na líomhaintí faoi shárú ar na dualgais reachtúla teanga atá ar an nGarda Síochána mar chomhlacht poiblí.

Ba chás leis an imscrúdú go raibh an dioscúrsa le cuid de chomhaltaí an Gharda Síochána faoin ábhar seo fréamhaithe sa tuiscint gur cheart do chomhaltaí an fhórsa caitheamh le cainteoir Gaeilge ina t(h)ír féin ar an

It is also confirmed in subsection 3.10 of the language scheme that arrested persons have the right to be dealt with in Irish:

“Arrested persons have a legal entitlement to have their business conducted in Irish.”

Subsection 18(1) of the Official Languages Act provides that where the Minister confirms a language scheme under the Act, the public company is obliged to implement the scheme.

The Garda Síochána authorities did not accept that the organisation had breached its language duties as set out in subsections 1.3 and 3.10 of the Garda Síochána Language Scheme 2009-2012:

“An Garda Síochána is the police service of the Republic of Ireland and is a national organisation with a staff of circa 14,200 Gardaí and 2700 civilian staff and contains over 700 Garda stations and other offices nationwide. The Garda organisation is fortunate in having many staff who can deal with members of the public through the medium of the Irish and English languages.

However, the organisation will encounter difficulty in having personnel with the necessary skills at every location or interface with the public and so a reasoned approach is required to meet our responsibilities under the Act and to allow the organisation to provide a quality policing service in Irish and English.

An Garda Síochána has attempted to nurture the Irish language through various internal policies for many years even prior to the introduction of the Act. To this end, An Garda Síochána maintains an in-depth Irish language training programme which all personnel must successfully complete before they are attested into the organisation. This course consists of 41 hours of teaching on Phase I of Garda training and a further 22 hours of teaching on Phase III of training.”

The Garda Síochána authorities also pointed out that a comprehensive list had been compiled of all fluent Irish speakers within the organisation. It said that the complainant was arrested because of a road traffic offence. The following was said in relation to the case, from the time the complainant was brought to the Garda Station: “...a proficient Irish speaking Garda was notified to attend in order to converse with the complainant. The complainant was then informed through Irish of the reason for his arrest and this was explained in ordinary language to him. All subsequent dealings with the complainant were then conducted through the Irish language. This was achieved as soon as practicable.”

An allegation about a traffic offence under section 53 of the Road Traffic Acts 1961-2011 was not an issue for the investigation but for an appropriate court. The investigation dealt only with the language aspect of the incident and the allegations about a breach of An Garda Síochána’s statutory language duties, as a public body.

The investigation was concerned that the discourse with some members of An Garda Síochána about this matter was framed by an understanding that members of the force should deal with Irish speakers, in their own country, in the same way that they would deal with speakers of foreign

mbealach céanna agus a chaithfí le cainteoirí ó thíortha eachtrannacha anseo. Ba chosúil an dualgas a bheith á chur ar an gcainteoir Gaeilge é/í féin a chur in iúl don Gharda Síochána seachas don Gharda Síochána na céimeanna cuí a thógáil le go dtuigfeadh an fórsa teanga an chliaint sin, agus iad ag úsáid phríomhtheanga oifigiúil agus theanga náisiúnta na tíre seo.

Fuair an t-imscrúdú mar fhíoras é nach ngabhaí an tiománaí faoi alt 107 de na hAchtanna um Thrácht ar Bhóithre, 1961-2011:

- dá mbeadh sé sásta Béarla a labhairt;
- dá mbeadh oiread Gaeilge ag ceachtar den dá Gharda le céannacht an tiománaí a dheimhniú ar thaobh an bhóthair; agus
- nach raibh eolas a dhóthain curtha ar fáil go cuí ag údaráis an Gharda Síochána faoi na dualgais teanga a bhí i gceist faoina scéim teanga le go mbeadh na comhaltaí a stop an tiománaí sa chás seo in ann déileáil go cuí leis;
- nach raibh prótacal soiléir i bhfeidhm ag údaráis an Gharda Síochána mar thaca lena ndualgas teanga faoin scéim teanga le déileáil le cás ina ndéanann duine den phobal (nach raibh gafa an tráth sin) an rogha dhlisteanach a chuid gnó a dhéanamh trí Ghaeilge leis an nGarda Síochána agus é stoptha ar thaobh an bóthair.

Dhearbhaigh an t-imscrúdú freisin go raibh sé de cheart reachtúil ag an tiománaí an Ghaeilge a roghnú mar theanga sa chás seo agus nach raibh aon dualgas ar fhinnéithe a bhí i láthair seirbhís ateangaireachta a sholáthar nuair ba léir go raibh seasamh á thógáil ag an tiománaí ar phrionsabal a raibh tábhacht leis dó.

Bhí sé d'argóint ag an nGarda Síochána sa chás seo go mbeadh an tiománaí á ghabháil, cibé ar bith, faoi choir thiomána faoi alt 53 de na hAchtanna um Thrácht ar Bhóithre, 1961-2011. Ba mhór é amhras an imscrúdaithe gurbh é an nós agus an cleachtas ag an nGarda Síochána gach duine a bhfuil coir thiomána le cur ina leith a thabhairt faoi ghlais lámh chuig stáisiún Gardaí, go háirithe nuair nach raibh timpiste de chineál ar bith i gceist, gortú ná damáiste. Ní raibh aon líomhaintí i gceist faoi thiomáint faoi thionchar óil, tiomáint faoi luas nó eile. Bhí na finnéithe agus na Gardaí ar aon fhocal go raibh an tiománaí múinte, fiú fulangach (“passive”).

Léirigh an fhoireann imscrúdaithe imní go gcaithfeadh an Garda Síochána brath den chuid is mó ar Ghardaí aonair a bhfuil Gaeilge acu, fáil éasca a bheith orthu agus ar a ndea-thoil le hateangaireacht a sholáthar. Obair chasta, ghairmiúil í an ateangaireacht, go háirithe i gcásanna coiriúla, agus níor mhór a bheith an-chúramach ina leith. Tá teidlíocht dlí ag daoine gafa ar a gcuid gnó a dhéanamh trí Ghaeilge. Rud tromchúiseach é a bheith gafa ag na Gardaí agus níor mhór a bheith cinnte go bhfuil an córas le cearta teanga a chosaint sa chás sin foirfe. Ní cáineadh de chineál ar bith é seo ar iarrachtaí pearsanta an Gharda a d'fheidhmigh go deonach mar ateangaire i stáisiún na nGardaí ach tráchteaireacht ar an bprionsabal i gcoitinne.

Cúis bhreise imní ba ea an easpa córais nó prótacail fhoirfe, shoiléir le míniú do chomhaltaí ar dualgas céard is ceart dóibh a dhéanamh de bhun agus de bhua na bhforálacha sa scéim teanga, má iarrann duine den phobal gnó a dhéanamh trí Ghaeilge, agus nach bhfuil ar chumas an chomhalta sin déileáil go héifeachtach leis/léi sa teanga sin.

languages. It appeared that Irish speakers were obliged to explain themselves to An Garda Síochána rather than that An Garda Síochána would take the proper steps to ensure that the force could understand the language of a client using the first official language and the national language of the country.

The investigation made a finding of fact that the driver would not have been arrested under section 107 of the Road Traffic Acts 1961-2011:

- if he had spoken English;
- if either of the two Gardaí had sufficient Irish to establish the driver's identity at the roadside;
- and
- that the Garda Síochána authorities had provided insufficient information to make members of the force aware of the language duties in their language scheme so as to ensure that members who stopped a driver in these circumstances would know how to manage the situation;
- that, notwithstanding the language duty that was contained in their language scheme, the Garda Síochána authorities had not put in place any clear protocol to cater for a situation where a member of the public, who was stopped on the roadside but had not been arrested, sought to make the legitimate choice of conducting his business with An Garda Síochána in Irish.

The investigation confirmed that the driver had a statutory right to choose to speak Irish in this case and that the witnesses at the scene were not under any obligation to provide an interpreting service as it was clear that the driver was taking a principled stand on a matter that was of importance to him.

An Garda Síochána argued that the driver was arrested for an offence under section 53 of Road Traffic Acts 1961-2011. The investigation was not convinced that it is common practice for An Garda Síochána to take every person who is accused of a driving offence to a Garda Station in handcuffs, especially when, as in this case, there had been no accident, no injury and no damage caused; nor were there any allegations of drink driving or speeding. The witnesses and the Gardaí all agreed that the driver was polite to the extent of being “passive”.

The investigation team was concerned that An Garda Síochána was reliant on individual Gardaí with Irish being easily available and willing to provide interpreting services. Interpreting is difficult, skilled work and must be undertaken with care, especially in criminal cases. A person who is arrested is entitled to conduct his/her business in Irish. It is a serious matter to be arrested by the Gardaí and it is important in such a case that there is a very good system in place to protect language rights. This should not in any way be interpreted as a criticism of the personal efforts of the Garda who voluntarily acted as an interpreter at the Garda station, but a commentary on the general principle.

A further cause of concern is the lack of effective systems and protocols to clarify for the Garda on duty what he/she must do, taking into account the provisions of the language scheme, if a member of the public wishes to conduct business through Irish and the Garda is not able to deal with him/her effectively in that language.

Rinne an t-imscrúdú na moltaí seo a leanas:

- Go ngabhadh lucht bainistíochta an Gharda Síochána leithscéal i scríbhinn laistigh de shé seachtaine ó dháta na tuarascála leis an ngearánach sa chás seo mar gur sáraíodh a chearta faoi fho-alt 1.3 de scéim teanga an Gharda Síochána a chuid gnó a dhéanamh leo trí Ghaeilge nuair a gabhadh é faoi alt 107 de na hAchtanna um Thrácht ar Bhóithre, 1961-2011 – foráil a bhaineann le diúltú/teip ainm agus seoladh a thabhairt, nuair nach raibh aon locht air féin ina leith sin.
- Go gcinnteodh lucht bainistíochta an Gharda Síochána go bhfuil comhaltaí an fhórsa i gcoitinne ar an eolas laistigh de dhá mhí ó dháta na tuarascála seo faoina ndualgais teanga faoi scéim teanga an Gharda Síochána, go háirithe faoin bhforáil go n-aithníonn an Garda Síochána ceart gach saoránaigh a c(h)uid gnó a dhéanamh i nGaeilge leo.
- Go n-ullmhóidh lucht bainistíochta an Gharda Síochána prótacal cuimsitheach, soiléir i scríbhinn faoin mbealach ar cheart do chomhaltaí den fhórsa nach bhfuil líofacht sa Ghaeilge acu déileáil le daoine den phobal a roghnaíonn a gcuid gnó a dhéanamh tríd an teanga sin. Níor mhiste féachaint don chleachtas is fearr sa réimse seo ag seirbhísí póilíneachta i ndlínsí dátheangacha eile, mar shampla Ceanada nó an Bhreatain Bheag, mar chabhair chuide seo.
- Go ndaingneofaí an prótacal sin dá dtagraítear sa mholadh thuas laistigh de cheithre mhí ó dháta na tuarascála seo agus go gcuirfí in iúl ar bhealach éifeachtach é a luaithe is féidir ina dhiaidh sin do chomhaltaí an fhórsa i gcoitinne.
- Go bhféachfadh lucht bainistíochta an Gharda Síochána le feachtas ar chearta teanga phobal na Gaeilge agus iad ag déileáil leis an bhfórsa a mhéadú i measc chomhaltaí an Gharda Síochána ar aon bhealach cuí eile atá indéanta, ar a n-áirítear póstaear chuí do stáisiúin na Gardaí, eolas ar inlín inmheánach an fhórsa, etc.
- Go mbeadh an Ghaeilge san áireamh mar chuid de chúrsaí inseirbhíse ginearálta do chomhaltaí an fhórsa, más ann dóibh.
- Go scrúdódh lucht bainistíochta an Gharda Síochána an fhéidearthacht go gcuirfí mionchárta simplí eolais ar fáil do gach Garda mar chúnamh dóibh roinnt bheag de na bunbheannachtaí is coitianta i nGaeilge a bheadh riachtanach do Gardaí i mbun dualgais a thabhairt chun cuimhne, le habairtí ar nós “Cad is ainm duit?”, “Cén seoladh atá agat?”, “An bhfuil ceadúnas tiomána, árachas, etc, agat?”
- Go gcinnteodh lucht bainistíochta an Gharda Síochána go bhfuil oiread foirfeachta agus is féidir ag baint leis an gcóras ateangaireachta atá ar fáil dóibh le déileáil go cumasach trí Ghaeilge le daoine den phobal a bheadh gafa acu.

Imscrúdú seolta: an 29 Meitheamh, 2011

Tuarascáil eisiithe: an 3 Lúnasa, 2012

An Roinn Dlí agus Cirt agus Comhionannais

Léirigh imscrúdú go raibh an Roinn Dlí agus Cirt agus Comhionannais ag sárú an dualgais reachtúil teanga atá daingnithe i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla maidir le cur i bhfeidhm a scéime teanga fad is a bhain sé le mír 4.8 den scéim sin, nuair nach raibh an chuid “*Oiriúnach lena Bhreathnú*” de lipéid físeán/dioscaí digiteacha ilúsáide á gcur amach i bhformáid dhátheangach.

The investigation made the following recommendations:

- That Garda management apologise to the complainant, in writing, within six weeks of the date of the report of the investigation for breaching his right under subsection 1.3 of the Garda Síochána language scheme to conduct business through Irish. This occurred when he was arrested under section 107 of the Road Traffic Acts 1961-2011 for refusing/failing to give a name and address, a situation which arose due to no fault of his own.
- That Garda management ensure that all members of the force are aware within two months of the date of the report of their language duties under the Garda Síochána language scheme, in particular the provision that states that An Garda Síochána recognises the right of each citizen to conduct his/her business in Irish.
- That Garda management prepare a clear, effective protocol, in writing, setting out the manner in which Gardaí who are not fluent in Irish, should deal with members of the public who choose to conduct their business in Irish. To assist in this process, they should consider best practice in this area in police services in other bilingual jurisdictions, such as Canada or Wales.
- That the above protocol be confirmed within four months of the date of the report and communicated, as soon as possible after that, to the general members of the force.
- That Garda management raise awareness among Gardaí of the language rights of Irish speakers dealing with the force, for instance by means of suitable posters in Garda stations, information on the Garda internal intranet, etc.
- Where in-service training for members of the force exists in general, that tuition in the Irish language be included.
- That Garda management examine the feasibility of providing a small information card to each Garda to aid the recall of a limited number of the most basic expressions needed by a Garda on duty, including phrases such as “Cad is ainm duit?”, “Cén seoladh atá agat?”, “An bhfuil ceadúnas tiomána, árachas, etc, agat?”
- That Garda management ensure that the interpreting system available to them to deal with those who are arrested and who would choose to have their business conducted through Irish is as effective as possible.

Investigation launched: 29 June 2011

Report issued: 3 August 2012

Department of Justice and Equality

An investigation found that the Department of Justice and Equality did not comply with its statutory obligation to implement its language scheme as set out in subsection 18(1) of the Official Languages Act in so far as it failed to implement subsection 4.8 of the scheme when it did not issue the “*Fit for Viewing*” section of video/DVD labels in bilingual format.

Daingníodh scéim teanga na Roinne agus tháinig sí i bhfeidhm ar an 30 Meitheamh, 2006. Áiríodh i measc na gcomhlachtaí comhbhainteacha sa scéim teanga sin Oifig Scrúdóir Oifigiúil na Scannán (Oifig Aicmithe na Scannán anois). Faoi fho-alt 14(3) den Acht, fanann forálacha na scéime i bhfeidhm ar feadh tréimhse trí bliana ón dáta a ndaingníonn an tAire Ealaíon, Oidhreacht agus Gaeltachta í nó go dtí go mbíonn scéim nua daingnithe ag an Aire de bhun alt 15 den Acht, cibé acu is déanaí.

Rinneadh gearán le hOifig an Choimisinéara Teanga i mí Eanáir, 2012 gur i mBéarla amháin a bhí an t-eolas “*Oiriúnach lena Bhreathnú*”, is é sin an téacs atá in éineacht leis an mír um rangú aoise, ar lipéid físeán agus ar dhioscaí digiteacha ilúsáide.

Is mar seo a leanas a bhí an fhoráil i scéim reachtúil teanga na Roinne:

“4.8 Oifig Scrúdóir Scannán na hÉireann

Déanfar Ceadúnas Miondíola Oifig Scrúdóir Scannán na hÉireann, mar aon leis an bhFoirm Iarratais ghaolmhar, agus an chuid ‘Oiriúnach lena Bhreathnú’ de lipéid fhíseán/dioscaí digiteacha ilúsáide a chur amach i bhformáid dhátheangach. (faoi dheireadh na scéime)”

Tá feidhm reachtúil leis na gealltanais i scéim teanga agus de réir fho-alt 18(1) d’Acht na dTeangacha Oifigiúla, tá dualgas ar chomhlachtaí poiblí – an Roinn Dlí agus Cirt agus Comhionannais san áireamh – na gealltanais sin a chur i gcrích:

“18(1) I gcás ina ndaingneoidh an tAire scéim faoin Acht seo, rachaidh an comhlacht poiblí ar aghaidh leis an scéim a chur i gcrích.”

Rinneadh iarracht teacht ar shocrú neamhfhoirmiúil leis an Roinn ar an gceist seo, ach níor éirigh leis an iarracht sin. Ó tharla go raibh gearán bailí faighte ó dhuine den phobal, ní raibh de rogha ann ach imscrúdú foirmiúil a sheoladh le teacht ar fhionnachtana agus moltaí sa chás.

Tar éis don imscrúdú a bheith seolta i mí an Aibreáin, thug an Roinn le fios go raibh sí ag iarraidh ar an Aire Ealaíon, Oidhreacht agus Gaeltachta mír 4.8 dá scéim teanga a leasú de réir alt 16 d’Acht na dTeangacha Oifigiúla agus iarradh go gcuirfí an t-imscrúdú ar fionraí go dtí go mbeadh toradh ar an iarraidh sin.

Seo mar a fhoráiltear in alt 16 den Acht:

*“16. — (1) I gcás inar deimhin leis an Aire, de bharr aon athrú—
(a) ar fheidhmeanna comhlachta phoiblí, nó
(b) ar an imthoisc ina gcomhlíontar na feidhmeanna sin,
go bhféadfaidh gur cuí aon scéim atá i bhfeidhm i ndáil leis an gcomhlacht sin a leasú, féadfaidh sé nó sí, ar a thionscnamh nó ar a thionscnamh féin, nó ar iarraidh ón gcomhlacht poiblí lena mbaineann, trí fhógra i scríbhinn chuig an gcomhlacht poiblí, leasuithe a mholadh ar an scéim.”*

Tuigeadh don fhoireann imscrúdaithe nach bhféadfaí an t-imscrúdú a chur ar fionraí mar go raibh gearán bailí faighte ó dhuine den phobal. Chas cuid den fhoireann imscrúdaithe le hionadaithe ón Roinn agus le Stiúrthóir Gníomhach Oifig Aicmithe Scannán na hÉireann chun léargas breise a fháil ar ábhar an imscrúdaithe.

The language scheme was confirmed and came into effect on 30 June, 2006. Among the associated bodies included in the scheme was the Film Censor’s Office (now the Film Classification Office). Under subsection 14(3) of the Act, the provisions of the scheme remain in force for three years from the date the scheme is confirmed by the Minister for Arts, Heritage and the Gaeltacht or until a new scheme has been confirmed by the Minister pursuant to section 15 of the Act, whichever is the later.

A complaint was made to the Office of An Coimisinéir Teanga in January 2012 that the guidance “*Fit for viewing*” – that is the text that accompanies the age classification section on video and DVD labels – was in English only.

The provision of the Department’s statutory language scheme was as follows:

“4.8 Irish Film Censor’s Office

The Irish Film Censor’s Office’s Retail Licence, and related Application Form, and the ‘Fit for Viewing’ section of video/DVD labels will be produced in bilingual format. (by end of the scheme)”

The commitments in a language scheme have statutory effect, and in accordance with subsection 18(1) of the Official Languages Act, public bodies – such as the Department of Justice and Equality – have a duty to implement those commitments:

“18(1) Where the Minister confirms a scheme under this Act, the public body shall proceed to carry out the scheme.”

Efforts were made to achieve an informal resolution of the issue with the Department, but these efforts were unsuccessful. As a valid complaint had been received from a member of the public, the only option remaining was for a formal investigation to make findings and recommendations in relation to the case.

After the commencement of the investigation in April, the Department indicated that it had requested the Minister for Arts, Heritage and the Gaeltacht to amend subsection 4.8 of the language scheme in accordance with section 16 of the Official Languages Act and it requested the suspension of the investigation until the outcome of that request was decided.

Section 16 of the Act provides as follows:

*“16. — (1) Where the Minister is satisfied that, owing to any change—
(a) in the functions of a public body, or
(b) in the circumstance in which such functions are performed,
it may be appropriate to amend any scheme in force in relation to it, he or she may, on his or her own initiative or on request by the public body concerned, by notice in writing to the public body propose amendments to the scheme.”*

The investigation team considered that it could not suspend the investigation as it had received a valid complaint from a member of the public. Members of the investigation team met with representatives of the Department and the Acting Director of the Film Classification Office to get a better understanding of the subject matter of the investigation.

Ba é seasamh na Roinne go raibh sí tagtha ar chomhaontú leis an Oifig i dtaca leis an mír seo den scéim nuair a bhí iniúchadh á dhéanamh ar chur i bhfeidhm na scéime sa bhliain 2009. Anuas air sin, mhaígh an Roinn gur gealltanas deonach a bhí i gceist mar nach raibh aon dualgas uirthi Oifig Aicmithe na Scannán a áireamh ina scéim teanga.

Maidir le halt 4.8 den scéim teanga, dhearbhaigh an Roinn go raibh dhá thrian den ghealltanas sin – Ceadúnas Miondíola Oifig Scrúdóir Scannán na hÉireann agus an Fhoirm Iarratais ghaolmhar a chur amach i bhformáid dhátheangach – comhlíonta. Mhaígh sí, maidir leis an gcuid eile den ghealltanas – go gcuirfí an chuid “*Oiriúnach lena Bhreathnú*” de lipéid físeán/dioscaí digiteacha ilúsáide amach i bhformáid dhátheangach – go raibh an leath sin iomarcach anois mar nár iarradh ar Oifig Aicmithe Scannán na hÉireann físeáin a chlárú le blianta beaga anuas de bharr dul chun cinn teicneolaíochta.

Bhí an méid seo le rá ag an Roinn i dtaca le ceist an chuid “*Oiriúnach lena Bhreathnú*” de lipéid dioscaí digiteacha ilúsáide:

“...de bharr dul chun cinn leanúnach teicneolaíochta níl ach codán den chuid dár ngealltanas deonach atá fós le comhlíonadh nach bhfuil iomarcach faoin tráth seo, agus tá laghdú ag teacht ar an gcodán sin de shíor. Ar an láimh eile, bhí agus tá beann ar na hathruithe teicneolaíochta seo ag an gcomhaontú a rinneamar le d’Oifigse maidir le lipéid sa mhéid go bhfuil an chuid ‘Oiriúnach le Breathnú’ den lipéid curtha ar fáil go dátheangach ar shuíomh gréasáin Oifig Aicmithe Scannán na hÉireann.”

I measc na bpointí a rinneadh ag an gcruinniú a bhí ag cuid den fhoireann imscrúdaithe leis an Roinn, bhí argóintí praiticiúla maidir le spás, taithí an phobail ar an gcóras, athrú ar Ionstraim Reachtúil, stoc a bhí idir lámha, agus laghdú ar úsáid na lipéad de bharr fhorbairt na teicneolaíochta.

Chonacthas don imscrúdú gur gealltanas ríshoiléir a bhí sa ghealltanas seo a bhí tugtha i scéim teanga na Roinne. Bhí an gealltanas sin le comhlíonadh faoi dheireadh na scéime. Cé go raibh na ranna rangaithe aoise de na lipéid a bhí ar chlúdach tosaigh, ar dhroim agus ar chlúdach cúil boscaí dioscaí digiteacha ilúsáide lán-dátheangach, is i mBéarla amháin a bhí an chuid sin den lipéad ar chúl an bhosca ina dtugtar eolas i dtéacs maidir leo sin a bhfuil an scannán “*Oiriúnach lena Bhreathnú*” acu.

Níor ghlac an t-imscrúdú leis gur gealltanas deonach a bhí ann mar go raibh an scéim daingnithe ag an Aire, gníomh a chuir bonn reachtúil faoin scéim, ná níor ghlac an t-imscrúdú leis gurb ann do chomhaontú mar nár ghlac an Oifig riamh leis an tairiscint ar chomhaontú a rinne an Roinn agus nach bhféadfadh sí glacadh lena leithéid, mar go gciallódh sé go mbeadh sí ag leasú, gan údarás, foráil i scéim reachtúil a bhí daingnithe ag an Aire.

Maidir leis na hargóintí praiticiúla a chuir an Roinn i láthair an imscrúdaithe, chinn an t-imscrúdú gur í an Roinn agus Oifig Aicmithe Scannán na hÉireann a roghnaigh soláthar an ábhair seo go dátheangach mar ghníomh a dtabharfaí tosaíocht dó le linn a scéime tionscnaimh, gur saor-rogha amach agus amach a bhí anseo a bhí go hiomlán faoina smacht féin, agus nár brúdh an gealltanas seo orthu in aghaidh a dtola ach gur thug siad féin é agus iad láneolach ar nádúr reachtúil an ghealltanais agus na scéime a bhí á comhaontú acu.

The Department maintained that it had reached an agreement with the Office of An Coimisinéir Teanga in relation to this element of the scheme in the course of an audit on the implementation of the scheme in 2009. In addition, the Department claimed that this was a voluntary commitment, as it did not have any obligation to include the Film Classification Office in its scheme.

With regard to section 4.8 of the language scheme, the Department confirmed that it had complied with two thirds of the commitment i.e. the Irish Film Censor’s Office’s Retail Licence and related Application Form were produced in bilingual format. As regards the rest of the commitment, to produce the “*Fit for Viewing*” section of video/DVD labels in bilingual format, this commitment was now redundant because, as a result of technical advances, the Film Classification Office had not been asked to register a video for a number of years.

In relation to the video/DVD label, the Department said as follows:

“.. as a result of continuous technical advances there is only a fraction of our voluntary commitment that is not now redundant and that fraction is continually decreasing. On the other hand, there was and is a recognition of the technical changes in the agreement we reached with your Office with regard to the labels in that the ‘Fit for Viewing’ section of the label is available bilingually on the website of Film Classification Office.” (trans.)

Among the points made at the meeting of the investigation team with the Department were certain practical arguments in relation to space, the familiarity of the public with the system, a change in the Statutory Instrument, the fact that there was certain stock on hand, and the reduction in the use of labels as a result of technical developments.

The investigation found that there was a very clear commitment given in the Department’s language scheme. That commitment should have been implemented by the end of the scheme. Although the age classification section of the labels on the front covers, on the back and on the back cover of the DVD boxes was bilingual, that part of the label on the back of the box that gives information in text about those for whom the film is “*Fit for Viewing*” is in English only.

The investigation did not accept that this was a voluntary commitment as the Minister had confirmed the scheme; this put the scheme on a statutory basis. The investigation also rejected that an agreement was in place with the Office of An Coimisinéir Teanga on this matter as the Office did not accept the Department’s suggestion of an agreement, and could never have accepted it, because acceptance would amount to an unauthorised amendment of a statutory scheme confirmed by the Minister.

With regard to the practical objections put forward by the Department in the course of the investigation, it was found that the Department and the Film Classification Office had decided that the provision of this material bilingually should be identified as a priority during their initial scheme, and that this was a free choice completely under their own control; this commitment was not forced on them against their will but was made in the full knowledge of the statutory nature of the commitment and the agreed scheme.

Cé go ndúirt an Roinn go raibh lá an fhíseáin thart agus an teicneolaíocht bogtha chun cinn, níor bhraith an fhoireann imscrúdaithe gur athraigh sin an dualgas a bhí daingnithe sa scéim teanga, mar go maireann an diosca digiteach ilúsáide fós agus ina theannta córais nua, ar a n-áirítear blu-ray. Chinn an t-imscrúdú go raibh ceangal ar an Roinn agus ar Oifig Aicmithe Scannán na hÉireann a chinntiú go raibh an chuid *“Oiriúnach lena Bhreathnú”* de lipéid ar bhoscaí blu-ray á soláthar go dátheangach chomh maith faoi ghealltanais na scéime teanga seo de bharr na forála in alt 6 den Acht Léiriúcháin, 2005 ina leagtar síos prionsabail áirithe maidir le forálacha a fhorléiriú in imthosca atá ag athrú:

“Le linn foráil d’aon Acht nó d’aon ionstraim reachtúil a fhorléiriú, féadfaidh cúirt aird a thabhairt ar aon athruithe ar an dlí, ar dhálaí sóisialacha, ar theicneolaíocht, ar bhrí na bhfocal a úsáidtear san Acht sin nó san ionstraim reachtúil sin agus ar nithe eile is iomchuí, a tharla ó dháta rite an Achta sin nó ó dháta déanta na hionstraime reachtúla sin, ach sin a mhéid amháin a cheadaíonn a théacs, a chuspóir agus a chomhthéacs nó a téacs, a cuspóir agus a comhthéacs sin.”

I ndeireadh na dála, ba dhualgas an-simplí é seo a daingníodh i scéim reachtúil teanga agus ba thrua leis an imscrúdú nár cloíodh le litir ná le spiorad an ghealltanais. Ba thrua freisin, i bhfianaise shoiléireacht an ghealltanais, gur ghá oiread sin ama agus dua de chuid na Státseirbhíse a chaitheamh ag iarraidh cás a dhéanamh a chealódh dualgas simplí nach luífeadh aon chostas ná deacracht dháiríre lena fheidhmiú.

Mhol an t-imscrúdú, gan dochar don dualgas láithreach a bhain leis an ngealltanais reachtúil seo, go n-úsáidfí an stoc reatha de lipéid aonteangacha Bhéarla *“Oiriúnach lena Bhreathnú”* ach nach bhfaighfí aon stoc nua den chineál sin agus gur ar ídiú an stoic reatha sin a thabharfaí i bhfeidhm na lipéid chuí dhátheangacha.

Ar an 20 Nollaig, 2012, fuair an Oifig litir ó Ard-Rúnaí na Roinne Ealaíon, Oidhreacht agus Gaeltachta inar tugadh le fios go raibh cinneadh déanta ag an Aire Stáit sa Roinn sin cealú a dhéanamh ar an dualgas i dtaca leis an lipéad *“Oiriúnach lena Bhreathnú”* a bhí sonraithe i mír 4.8 de scéim teanga na Roinne Dlí agus Cirt agus Comhionannais. Ba é seo an chéad uair a cuireadh ar ceal gealltanais i scéim teanga dhaingnithe.

Imscrúdú seolta: an 5 Aibreán, 2012

Tuarascáil eisithe: an 4 Meán Fómhair, 2012

Comhairle Baile Inse

Léirigh imscrúdú go raibh Comhairle Baile Inse ag sárú na ndualgas reachtúil teanga atá daingnithe sna rialacháin agus sna hordacháin atá déanta faoi fho-ailt 95(2) agus 95(16) den Acht um Thrácht ar Bhóithre, 1961 i gcás comharthaí bóthair i mBéarla amháin a bhí curtha in airde i gceantar feidhme na Comhairle Baile, ach gur cosúil go raibh córais anois i bhfeidhm ag an gComhairle Baile le cinntiú nach dtarlódh sárú den chineál seo feasta i dtaca le haon comharthaí nua. Fuair an t-imscrúdú mar fhionnachtain chomh maith go bhfuil dualgas ar an gComhairle Baile na comharthaí sin a cuireadh in airde roimhe seo, agus nach bhfuil ag teacht leis na riachtanais reachtúla teanga, a leasú go cuí a luaithe is féidir.

Although the Department said that the era of video was over and technology had moved on, the investigation team did not consider that this altered the obligation confirmed in the scheme as DVD is still in use and there are new systems in place including blu-ray. The investigation found that the Department and the Film Classification Office were obliged to ensure that the *“Fit for Viewing”* section of the labels on blu-ray boxes were in bilingual format as a consequence of the provision in section 6 of the Interpretation Act 2005, which lays down certain principals in relation to construal in changing circumstances:

“In construing a provision of any Act or statutory instrument, a court may make allowances for any changes in the law, social conditions, technology, the meaning of words used in that Act or statutory instrument and other relevant matters, which have occurred since the date of the passing of that Act or the making of that statutory instrument, but only in so far as its text, purpose and context permit.”

Ultimately, this was a very simple obligation which was confirmed in a statutory scheme and the investigation found it regrettable that the spirit and the letter of the law were not honoured. It was also regrettable, in the context of such a clear commitment, that the time and effort of the public service was spent trying to make a case to set aside an obligation that was neither costly nor difficult to implement.

The investigation recommended, without prejudice to the statutory requirement to implement this commitment immediately, that the current stock of English only labels *“Fit for Viewing”* be used but that no new stock in English only be ordered, and that once the current stock was exhausted that bilingual labels should be used.

On 20 December 2012, the Office of An Coimisinéir Teanga received a letter from the Secretary General of the Department of Arts, Heritage and the Gaeltacht indicating that the Minister of State had decided to annul the obligation in relation to the label *“Fit for Viewing”*, as set out in section 4.8 of the language scheme of the Department of Justice and Equality. This was the very first time that a commitment in a confirmed language scheme was annulled.

Investigation launched: 5 April 2012

Report issued: 4 September 2012

Ennis Town Council

An investigation found that Ennis Town Council was in breach of its statutory language duties as confirmed in the regulations and orders made under subsection 95(2) and 95(16) of the Road Traffic Act 1961 in that road signs in English only were erected in the Town Council’s functional area. However, it appeared the Town Council had put a system in place to ensure that similar breaches would not reoccur. The investigation made a finding that the Town Council had a duty to amend as soon as possible those signs erected previously which did not comply with the legislation.

Rinneadh sraith leanúnach gearán le hOifig an Choimisinéara Teanga in imeacht tréimhse blianta maidir le comharthaí bóthair, i mBéarla amháin, i gceantar Bhaile Inse.

Bhí sé i gceist go gceartófaí na comharthaí sin ina gceann agus ina gceann i dtús aimsire, ach socraíodh ar bheartas nua ag cruinniú idir baill foirne de chuid Oifig an Choimisinéara Teanga agus feidhmeannaigh de chuid na Comhairle Baile i mí Mheán Fómhair, 2010. De thoradh an chruinnithe sin, tuigeadh gur clár oibre ceithre bliana a bheadh i gceist leis an gceartúchán.

Mar chuid den chlár oibre, bhí an baile le roinnt ina cheithre cheantar, agus tuigeadh go ndéanfaí iniúchadh ar na comharthaí bóthair ar fad sa chéad cheathrú faoi dheireadh 2010, agus go mbeadh an obair cheartúcháin ar fad curtha i gcrích ar na comharthaí sa cheathrú sin faoi dheireadh mhí an Aibreáin, 2011. Thug an Chomhairle Baile le fios go gcuirfí tús leis an obair ar an gcéad cheathrú eile i mí na Samhna, 2010, agus go mbeadh an obair ar an dara ceathrú déanta in 2011, an tríú ceathrú in 2012, agus an ceathrú ceathrú in 2013.

Is cosúil gur críochnaíodh an suirbhé ar an gcéad cheathrú thart ar mhí na Bealtaine, 2011. Léirigh an suirbhé go raibh tuairim is 217 comhartha nach raibh bunús reachtúil leo sa mhéid is gur cosúil go raibh siad ag sárú na ndualgas reachtúil teanga atá daingnithe le dlí.

Bhíothas sásta glacadh le plean na Comhairle Baile le súil go réiteofaí an fhadhb ar bhonn céimnithe, ach d'ainneoin an cás a bheith á phlé go leanúnach leis an gComhairle, bhí an chosúlacht air ón eolas a cuireadh ar fáil gur beag dul chun cinn a bhí déanta i réiteach sásúil na gcomharthaí lochtacha seo faoi mhí an Aibreáin, 2012. Ba léir go raibh ceart reachtúil ag aon ghearánach faoin reachtaíocht go ndéanfaí fionnachtana agus moltaí i gcás den chineál seo, agus dá bhrí sin cinneadh gur ghá dul chun cinn le himscrúdú ar an ábhar.

Thug an Chomhairle Baile le fios go raibh an t-iniúchadh críochnaithe ar an dara ceathrú den bhaile agus go raibh 115 comhartha aitheanta ansin a bhí lochtach ó thaobh na teanga. Dúirt an Chomhairle gurbh fhadhb náisiúnta í, agus má bhí sárú reachtúil i gceist gur sárú teicniúil neamhbheartaithe a bhí ann.

Thug an Chomhairle Baile le fios gur comharthaí stairiúla iad go leor de na comharthaí a bhí faoi chaibidil ag an imscrúdú agus go raibh rún daingean ag an gComhairle Baile na comharthaí seo a athsholáthar ach nach *“féidir é a dhéanamh ach de réir acmhainní.”*

Ba é an tátal a bhí le baint as an gcás gur dhearbhaigh an Chomhairle Baile go raibh móriomlán de 332 (217 + 115) comhartha a mheas sí féin a bhí ag sárú na ndualgas reachtúil teanga sa leath amháin den bhaile a raibh iniúchadh comharthaíochta déanta air. Maidir le ceist ón imscrúdú i dtaobh an chaiteachais phoiblí a rinneadh i leith comharthaí nach raibh ag cloí leis an reachtaíocht, dúirt an Chomhairle nach raibh na hacmhainní foirne aici i láthair na huaire leis an eolas sin a aimsiú. Dúirt an Chomhairle go raibh dianiarracht á déanamh aici a cuid pleananna le déileáil leis an bhfadhb stairiúil comharthaíochta a chur i bhfeidhm.

A series of complaints were made to the Office of An Coimisinéir Teanga over a period of years with regard to the road signs, in English only, in the Ennis area.

Originally, the Town Council planned to correct these signs one by one; however, at a meeting between staff of the Office of An Coimisinéir Teanga and officials of the Town Council in September 2010, a new approach was agreed. As a result of this meeting, it was decided to compile a four year plan for the correction of all incorrect signage.

As part of the plan, the town was divided into four districts and it was understood that an audit of all the road signs in the first district would be completed by the end of 2010 and all the corrective work in that district would be completed by the end of April 2011. The Town Council said that work would commence in the next district in November 2010 and be completed in 2011, with the remaining two districts completed in 2012 and 2013.

It appears that the survey of the first district was completed in May 2011. The survey showed that there were about 217 signs in that area that failed to comply with the statutory language obligations confirmed in law.

The Office was happy to accept the Town Council's plan to have the problem resolved on a phased basis; however, although the matter was discussed regularly, based on the information received, it appeared by April 2012 that little progress had been made with regard to the correction of the signs. Clearly, in accordance with the legislation, the complainant had a statutory right to have findings and recommendations made on the matter and therefore it was decided that it was necessary to launch an investigation.

The Town Council informed the investigation that the audit of the second quarter of the town was complete and that 115 signs had been identified there which were not in compliance with the language legislation. The Council said this was a nationwide problem and that if there was a breach of legislation it was an unintentional technical breach.

The Town Council said that most of the signs under consideration by the investigation were a legacy problem and that it was committed to replacing these signs but *“could only do so as resources became available.” (trans.)*

The investigation found that the Town Council had confirmed that, in its estimation, there were 332 signs (217 + 115) in total, in the half of the town surveyed, that breached the language requirements. In reply to a question about the total public monies spent on signs that did not comply with the legislation, the Town Council said that it did not have sufficient staff at the time to research that information. It also said that it was making every effort to implement plans to deal with the historic problem of incorrect signage.

Ghlac an t-imscrúdú le hargóint na Comhairle Baile nach gá gur d'aon turas a tharla na sárúithe stairiúla seo. B'fhíor go raibh an fhadhb chéanna le feiceáil i gceantair eile agus go raibh ar an Oifig go minic aird a tharraingt ar chomharthaí a bhí i mBéarla amháin i mbailte agus i gcontaetha ar fud na tíre.

Chonacthas don imscrúdú gur léirigh Comhairle Baile Inse dearcadh stuama, ciallmhar nuair a bheartaigh sí plan a leagan amach leis an bhfadhb seo a réiteach ar bhonn céimnithe. Dúirt an Chomhairle i mí na Bealtaine, 2012 go raibh 40% den phróiseas a bhain leis an gcéad cheathrú den bhaile curtha i gcrích.

Mhol an t-imscrúdú an bealach ar thug an Chomhairle Baile faoin gceist, ach cé go raibh an plan a bhí leagtha amach ar fheabhas, agus cé go ndearnadh é le hintinn mhaith, ba léir go raibh lúb ar lár an-suntasach i bhfeidhmiú an phlean. Bhí an t-imscrúdú den tuairim go mbeadh dul chun cinn suntasach déanta ag an gComhairle Baile i gceartú na gcomharthaí lochtacha murach an tionchar a d'imir an cúlú geilleagrach ar acmhainní airgeadais agus foirne na Comhairle Baile. Ghlac an t-imscrúdú leis chomh maith go raibh an Chomhairle Baile tar éis an fhoireann a chur ar an eolas faoi na riachtanais i leith na Gaeilge i gcás aon chomharthaí nua a bhí le cur in airde agus go raibh, tríd is tríd, córas éifeachtach i bhfeidhm ag an gComhairle Baile anois le comharthaí nua a ordú agus a phrofáil sula gcuirtear in airde iad.

Ach bhí fadhb stairiúil fós ann leis na seanchomharthaí agus chaithfí tabhairt faoin bhfadhb sin a réiteach, agus cé gur léir ó thuairiscí na Comhairle Baile go raibh riar mór oibre déanta ar an ábhar seo, ní raibh a thoradh sin le feiceáil ar shráideanna Inse. Rinneadh moltaí i dtuarascáil an imscrúdaithe le dul i ngleic leis an gcás in imeacht tréimhse ama.

Imscrúdú seolta: an 19 Aibreán, 2012

Tuarascáil eisithe: an 21 Meán Fómhair, 2012

Suirbhéireacht Ordanáis Éireann

Léirigh imscrúdú gur sárú ar dhualgais reachtúla teanga ag Suirbhéireacht Ordanáis Éireann a bhí ann léarscáileanna a fhoilsiú gan logainmneacha agus gnéithe seanda a bheith i nGaeilge nó dátheangach (Gaeilge agus Béarla), mar a éilíonn alt 34 d'Acht na dTeangacha Oifigiúla.

Rinneadh gearán le hOifig an Choimisinéara Teanga i mí na Samhna, 2011 nach raibh fáil ó Shuirbhéireacht Ordanáis Éireann ar léarscáil reatha d'Éirinn agus logainmneacha ar taispeáint i nGaeilge, nó i nGaeilge agus i mBéarla, orthu.

Tharraing an Oifig an cheist seo anuas le Suirbhéireacht Ordanáis Éireann trí chóras neamhfoirmiúil réitithe gearán na hOifige, ach níor éirigh leis an bpróiseas sin ábhar an ghearán a réiteach. Dá thoradh sin, seoladh imscrúdú foirmiúil.

Fóráiltear in alt 34 d'Acht an dTeangacha Oifigiúla, a tháinig i ngníomh ar an 30 Deireadh Fómhair, 2003 trí I.R. Uimh. 518 de 2003, go ndéanfaí leasú ar an Acht um Shuirbhéireacht Ordanáis Éireann, 2001 tríd an bhfeidhm leasaithe seo a thabhairt don eagraíocht sin:

The investigation accepted the Town Council's contention that these historical breaches of legislation had not necessarily been intentional and that the same problem could be seen in other areas. Indeed, the Office regularly had to draw attention to signs which were in English only in many other towns and counties.

The investigation found that Ennis Town Council had taken a strategic, measured approach to the problem by drawing up a plan to deal with the matter on a phased basis. In May 2012, the Town Council confirmed that 40% of the process with regard to the first quarter of the town was complete.

The investigation praised the manner in which the Town Council approached the issue; however, although an excellent plan was drawn up with the best of intentions, there was a major problem with the implementation of the plan. The investigation was of the opinion that the Council would have made good progress with the correction of the unsatisfactory signs but for the advent of the economic recession and its effect on staffing and financial resources. The investigation also accepted that the Town Council had informed staff of the requirement in relation to the Irish language in the case of newly erected signs, and that in general it had an effective system in place for ordering and proofing signs before they were erected.

However an historical problem still existed in relation to old signage that had to be addressed, and while it was evident from the Town Council's reports that a significant amount of work had been undertaken on this matter, the results were not evident on the streets of Ennis. The investigation made recommendations to deal with the matter, on a phased basis, over a period of time.

Investigation launched: 19 April 2012

Report issued: 21 September 2012

Ordnance Survey Ireland

An investigation showed that a breach of statutory language obligations occurred when Ordnance Survey Ireland (OSi) published maps without showing placenames and ancient features in Irish or bilingually (in Irish and English), as required by section 34 of the Official Languages Act.

A complaint was made to the Office of An Coimisinéir Teanga in November 2011 that OSi had failed to provide an up-to-date map of Ireland with names displayed in Irish, or in Irish and English.

The Office raised the issue with OSi through the informal complaints resolution system but could not reach a resolution of the complaint, and therefore a formal investigation was launched.

Section 34 of the Official Languages Act, which was brought into operation on 30 October 2003 by S.I. No. 518 of 2003, amends the Ordnance Survey Ireland Act 2001 by giving following revised function to the organisation:

“(h) logainmneacha agus gnéithe seanda sna taifid agus sna bunachair sonraí léarscáilíochta náisiúnta agus i dtaifid agus i mbunachair sonraí ghaolmhara a thaispeáint i nGaeilge nó i mBéarla agus i nGaeilge.”

Bhí an chosúlacht láidir ar an scéal, ón eolas a cuireadh ar fáil don imscrúdú, nár cuireadh na socruithe cuí i bhfeidhm láithreach laistigh de Shuirbhéireacht Ordanáis Éireann le géilleadh don riachtanas nua seo.

Ba chosúil gur leanadh a bheag nó a mhór de na nósanna agus na cleachtais a bhí ann i gcoitinne roimhe sin, beag beann ar thoil Chomhaltaí Thithe an Oireachtais a d’achtaigh an fhoráil reachtúil seo. Léirítear é seo sa mhéid is nár leasáíodh ar shuíomh gréasáin na heagraíochta, go dtí le gairid, liosta na bhfeidhmeanna reachtúla atá ag Suirbhéireacht Ordanáis Éireann. Rinneadh an leasú seo ar an suíomh gréasáin tar éis d’Oifig an Choimisinéara Teanga ábhar an ghearáin a chur i láthair na heagraíochta, breis is ocht mbliana ó tháinig an fheidhm nua i gceist, ar an 30 Deireadh Fómhair, 2003.

Chonacthas don imscrúdú seo nach raibh ach dhá rogha tugtha sa reachtaíocht – an t-ábhar seo:

- a thaispeáint i nGaeilge, nó
- a thaispeáint go dátheangach, i mBéarla agus i nGaeilge.

Thug Suirbhéireacht Ordanáis Éireann le fios go mbaintear úsáid as an dá theanga ar léarscáileanna (atlais bhóthair, léarscáileanna náisiúnta agus an tsraith ‘Discovery’) más féidir, agus an scála agus an t-ascúr á dtabhairt san áireamh, agus go n-úsáidtear Béarla amháin má tá teorainn leis an méid spáis ar an léarscáil ach amháin i gceantair Ghaeltachta, áit a n-úsáidtear Gaeilge.

Chonacthas don imscrúdú nárbh é seo an leagan amach a bhí beartaithe ag údair na reachtaíochta.

Tagraíodh do theorainn chartagrafaíochta mar thoradh ar an scála aschuir agus ar mhéid an pháipéir a úsáidtear. Mheas an t-imscrúdú nár leor na srianta sin le leasú de chineáil ar bith a dhéanamh ar thoil Chomhaltaí Thithe an Oireachtais in achtú na forála reachtúla. Bheadh leasú ar an dearadh ina réiteach amháin ar na srianta sin.

Thuig an t-imscrúdú nach raibh leagan daingnithe Gaeilge ar fáil fós do gach uile logainm agus gné sheanda sa tír. Ach tá riar mór acu ar fáil agus comhoibriú á thairiscint i gcónaí ag an gCoimisiún Logainmneacha dóibh siúd a dteastaíonn leaganacha oifigiúla Gaeilge de logainmneacha uathu.

Tugadh le fios freisin don imscrúdú go raibh srian ar an méid téacs is féidir a úsáid ar léarscáil mar áis taistil, eolais agus eile. Ach níor mheas an t-imscrúdú gur leor seo le foráil reachtúil a bhí daingnithe le dlí a mhaolú, a leasú nó a fhágáil ar leataobh. Dúradh freisin gur beag éileamh a bhí ar léarscáileanna áirithe agus gur measadh nach *“bhfaighfí ach toradh teoranta as léarscáil lán-Ghaeilge a tháirgeadh, sholáthrófaí sruth íseal ioncaim agus dá bharr sin bheadh sé riachtanach don Stát costas an táirgthe sin a iompar tríd an gComhaontú Seirbhíse.”*

Níor tugadh aon fhianaise shonrach don imscrúdú a chruthódh laghad an éilimh sin, mar shampla taighde margaíochta nó eile. Agus ní dhéileálann

“(h) to depict placenames and ancient features in the national mapping and related records and databases in the Irish language or in the English and Irish languages.”

From the information provided to the investigation, it appeared that the necessary arrangements were not put in place within OSi at that time to allow it to comply immediately with this new requirement.

Essentially, it seemed that OSi continued to follow its previous practices and customs, regardless of the wishes of the members of the Houses of the Oireachtas who had enacted this statutory provision. This is evident from the fact that the list of the organisation’s functions on its website was not amended to include the new function until very recently. The amendment on the website to acknowledge the new function was made more than eight years after that function came into force on 30 October 2003, and only after the Office of An Coimisinéir Teanga raised this complaint with the organisation.

The investigation found that there were only two options offered in the legislation:

- to show the content in Irish, or
- to show the content bilingually, in English and Irish.

OSi indicated that where possible, taking into account issues of scale and output, both languages were used on maps such as road atlases, national maps and Discovery series maps; however, where space was limited on a map only English was used, except in the case of Gaeltacht areas where Irish only was used.

The investigation found that this was not what was intended by those that drafted the legislation.

The OSi referred to cartographic limitations resulting from the scale of the output and the size of paper used. The investigation considered that these restrictions were not sufficient to modify in any way the will of Members of the Houses of the Oireachtas as enacted in this statutory provision. Only a change of design could resolve these restrictions.

The investigation acknowledged that definitive Irish versions of placenames and ancient features are not available in all cases. However, many are available and the Placenames Commission is there to assist those who need official versions of particular placenames.

The OSi pointed out that there are restrictions on the amount of text that can be used on a map which is used for travel, information etc. But the investigation did not consider this fact was sufficient to amend or annul a statutory provision which was ratified in law. The OSi also stated that there was little demand for certain maps and it considered that *“that there would be limited sale for a map in Irish, it would provide little income stream and therefore it would be necessary for the State to carry the cost of production through a service agreement.”* (trans.)

No evidence, such as market research or other study, was presented to prove that lack of demand. This argument does not deal at all with the other option that was allowed by statute, i.e. the production of totally bilingual maps. In addition, it was of concern to the investigation that maps

an argóint sin ar chor ar bith leis an rogha dhlísteanaigh eile a bhí ceadaithe go reachtúil – léarscáileanna a bheith dátheangach go hiomlán. Anuas air sin, b'ábhar imní é don imscrúdú nach raibh fáil ar léarscáileanna de cheantair Ghaeltachta ina mbeadh logainmneacha i nGaeilge amháin, chun críche fho-alt 33(2)(a) d'Acht na dTeangacha Oifigiúla. Fágann seo go bhfuil deacrachtaí ag ranna stáit feidhmiú de réir na reachtaíochta i gcásanna go bhfuil léarscáil de cheantar Gaeltachta ina cuid dhílis d'Ionstraim Reachtúil.

Nuair a ceistíodh Suirbhéireacht Ordanáis Éireann go sonrach an raibh léarscáileanna á bhfoilsíú aici i mBéarla amháin nó, ar a laghad, cuid áirithe de na logainmneacha i mBéarla amháin, séanadh go raibh sin fíor agus dúradh go mbaintear úsáid as téarmaí dátheangacha *“sa mhéid gur féidir ó thaobh na cartagrafaíochta”*. Ní aithníonn an reachtaíocht gur ann don choinníoll nó don teorainn sin – *“sa mhéid gur féidir”* – agus is gá don chleachtas cartagrafaíochta géilleadh don dlí seachas a mhalairt. Dúradh freisin mar fhreagra ar an gceist chéanna *“go mbíonn gach ceantar Gaeltachta sa Ghaeilge”*. Fuair an t-imscrúdú mar chinneadh fóraí nach fíor sin.

Mar fhreagra ar cheist shainiúil eile an fíor nach raibh fáil ar aon léarscáil reatha ó Shuirbhéireacht Ordanáis Éireann ar a bhfuil na logainmneacha ar fad go hiomlán i nGaeilge nó go hiomlán dátheangach, dúradh go bhféadfadh *“OSi, de réir éilimh, léarscáil d'Oileán na hÉireann a phriontáil ina bhfuil na logainmneacha go léir sa Ghaeilge, ach d'fhéadfadh nach mbeadh cuid den bhonneagar nua bóithre ná roinnt bailte san áireamh sa léarscáil sin toisc go mbíonn sí ag scála de tuairim is 1:450,000.”*

Ón bhfianaise a cuireadh ar fáil don imscrúdú, rinneadh cinneadh go raibh sárú á dhéanamh ag Suirbhéireacht Ordanáis Éireann ar alt 34 d'Acht na dTeangacha Oifigiúla, lenar leasaíodh mír (h) d'alt 4(2) den Acht um Shuirbhéireacht Ordanáis Éireann, 2001 agus lenar cuireadh de dhualgas ar an eagraíocht logainmneacha agus gnéithe seanda sna taifid agus sna bunachair sonraí léarscáilíochta náisiúnta a thaispeáint i nGaeilge, nó i mBéarla agus i nGaeilge.

Mhol an t-imscrúdú go gcomhlíonfadh Suirbhéireacht Ordanáis Éireann as seo amach na dualgais reachtúla teanga atá daingnithe in alt 34, agus gan dochar don dualgas iomlán láithreach a bhain leis an bhforáil reachtúil, go gceadófaí do Shuirbhéireacht Ordanáis Éireann foilsíú a dhéanamh ar aon léarscáil a bhí iomlán ullamh le cló tráth an imscrúdaithe nó a bheadh ar fáil don phobal i gcoitinne laistigh de thréimhse sé mhí ó dháta na tuarascála.

Moladh chomh maith go socródh Suirbhéireacht Ordanáis Éireann go mbeadh fáil ar léarscáil le logainmneacha Gaeltachta i nGaeilge amháin chun freastal ar riachtanas na ranna agus na n-oifigí cuí rialtais chun críche fho-alt 33(2)(a) d'Acht na dTeangacha Oifigiúla nuair a bhíonn riachtanas ann do na léarscáileanna sin mar chuid dhílis d'Ionstraim Reachtúil.

Imscrúdú seolta: an 6 Nollaig, 2011

Tuarascáil eisithe: an 17 Aibreán, 2012

of Gaeltacht areas, with placenames in Irish only, for the purpose of subsection 33(2)(a) of the Official Languages Act, were not available. This makes it difficult for public bodies to comply with the legislation in cases where a Statutory Instrument includes a map of a Gaeltacht area.

When OSi was asked explicitly if they published maps in English only, or with some of the placenames in English only, they denied this and said that they used bilingual terms *“to the extent feasible in cartography”*. (trans.) The legislation does not recognise the existence of a condition such as *“to the extent feasible”* and cartographic practice must yield to the law rather than vice versa. In response to the same question, OSi also said that *“all Gaeltacht areas are in the Irish language.”* (trans.) The investigation found as a matter of fact that this was not the case.

In reply to another specific question, as to whether any current Ordnance Survey map exists with all placenames entirely in Irish or bilingual, OSi said that *“in accordance with demand”* they could *“print a map of the Island of Ireland with all placenames in Irish, but that some of the new roads infrastructure and a number of towns would not be included in the road map because it is at a scale of approximately 1:450,000.”* (trans.)

Based on the evidence provided, the investigation found that OSi was in breach of section 34 of the Official Languages Act which amended paragraph (h) of section 4(2) of the Ordnance Survey Ireland Act 2001 and made it a function of the organisation to show placenames and ancient features in the national mapping and related records and databases in Irish, or in English and Irish.

The investigation recommended that in future OSi comply with the statutory duties confirmed in section 34 and, without prejudice to the full and immediate obligations associated with the statutory provision, that OSi be allowed to publish any map ready to print at the time of the investigation or any map that would be available to the general public within a period of six months from the date of the report.

It also recommended that OSi arrange to make a map available, with Gaeltacht placenames in Irish only, to meet the requirements of government departments and offices, who must comply with subsection 33(2)(a) of the Official Languages Act where such maps form an integral part of a Statutory Instrument.

Investigation launched: 6 December 2011

Report issued: 17 April 2012

An Roinn Caiteachais Phoiblí agus Athchóirithe

Léirigh imscrúdú go raibh dualgas reachtúil teanga á shárú ag an Roinn Caiteachais Phoiblí agus Athchóirithe mar nach raibh trialacha inniúlachta sa Ghaeilge á soláthar mar atá leagtha síos i gciocláin 43/75 agus 30/90 de chuid na Roinne Airgeadais.

Rinneadh gearán le hOifig an Choimisinéara Teanga i mí an Mhárta, 2012 nárbh ann d'aon chóras cuí le marcanna bónaís a shaothrú d'inniúlacht sa Ghaeilge agus sa Bhéarla i gcomórtais um ardú céime de chuid na Státseirbhíse.

Ba chás leis an ngearánach, ar státseirbhíseach í, go raibh sárú á dhéanamh ar a cearta reachtúla teanga mar nárbh fhéidir léi marcanna bónaís d'inniúlacht sa Ghaeilge agus sa Bhéarla – a mheas sí a bheadh tuillte aici – a shaothrú, mar nárbh ann do thrialacha inniúlachta cuí ná do chúrsaí foghlama Gaeilge de chuid Gaeleagras.

Is mar seo a leanas atá na míreanna cuí de chiorclán 43/75, arna leasú ag ciorclán 30/90 agus atá eistithe de bhun agus de bhua na gcumhachtaí atá tugtha don Aire Airgeadais faoi alt 17 d'Acht Rialuithe na Státseirbhíse, 1956 – cumhachtaí atá aistrithe anois chuig an Aire Caiteachais Phoiblí agus Athchóirithe:

“Beidh fáil ar thrialacha ardú céime foirmiúla Choimisiún na Státseirbhíse, mar a bhí go dtí seo, chun deis a thabhairt d'oifigigh a n-eolas ar an nGaeilge a chur faoi bhreithmheas.

Leathnófar na cúrsaí atá á reachtáil ag Gaeleagras na Seirbhíse Poiblí. Tugann na cúrsaí sin deis d'oifigigh eolas a chur ar an nGaeilge nó a gcuid eolais uirthi a fheabhsú. Glacfar leis gurb ionann na cúrsaí sin a chríochnú go sásúil agus pas a fháil ó Choimisiún na Státseirbhíse sna trialacha ardú céime.”

Agus:

“2. Déanann an córas creidiúna leasaithe soláthar mar leanas: (c) faoi réir socruithe eatramhacha a dhéanfar (a bhfuil tagairt dóibh thíos) ní mór do iarrthóir trialacha a dhéanamh ó am go ham chun bheith i dteideal creidiúint a fháil as inniúlacht ar bhun leanúnach.”

Rinne an gearánach iarratas ar thriail inniúlachta sa Ghaeilge mar go raibh comórtas inmheánach á reachtáil a raibh i gceist aici cur isteach air. Cuireadh in iúl di, áfach, nach raibh aon socrú ná aon phlean ann le cúrsaí de chuid Gaeleagras nó trialacha inniúlachta a reachtáil.

Rinne Oifig an Choimisinéara Teanga iarracht an cheist seo a réiteach trí chóras neamhfhoirmiúil réitithe gearán na hOifige, ach níor éirigh leis na hiarrachtaí sin agus seoladh imscrúdú.

I litir dar dáta an 17 Aibreán, 2012, chuir an Roinn in iúl don imscrúdú go raibh socruithe á ndéanamh le soláthar a dhéanamh do thrialacha inniúlachta agus go raibh súil go mbeadh córas foirfe i bhfeidhm go luath. Cuireadh an t-imscrúdú ar leataobh go ceann tréimhse le deis a thabhairt don Roinn na socruithe cuí a dhéanamh.

Department of Public Expenditure and Reform

An investigation found that the Department of Public Expenditure and Reform had breached a statutory obligation by failing to provide competency tests in Irish as provided for in circulars 43/75 and 30/90 of the Department of Finance, issued pursuant to and by virtue of section 17 of the Civil Service Regulation Act 1956.

A complaint was made to the Office of An Coimisinéir Teanga in March 2012 that no proper system was in place for bonus marks to be earned for proficiency in both Irish and English in the Civil Service promotion competitions.

The complainant, a civil servant, claimed that her statutory language rights were being infringed as she could not attain the bonus marks for her proficiency in Irish and English, to which she felt she was entitled, because neither a language competency test nor a Gaeleagras Irish language course were available.

The following are the relevant extracts from circular 43/75, as revised by circular 30/90, issued pursuant to and by virtue of powers conferred on the Minister for Finance under section 17 of the Civil Service Regulation Act 1956 – powers now transferred to the Minister for Public Expenditure and Reform.

“The formal promotion tests hitherto conducted by the Civil Service Commission will continue to be available to give staff an opportunity of having their knowledge of Irish assessed.

The courses provided by Gaeleagras na Seirbhíse Poiblí, which enable staff to acquire a knowledge of Irish or to improve their existing knowledge, will be expanded. Successful completion of these courses will continue to be accepted as the equivalent of passing the Civil Service Commission promotion tests.”

And:

“2. The revised credit system provides as follows: (c) subject to certain transitional arrangements (referred to below), continued entitlement to the proficiency bonus will entail periodic retesting of a candidate's proficiency.”

The complainant applied for an Irish language proficiency test as she intended to submit an application for an internal competition. She was informed, however, that neither a Gaeleagras Irish language course nor an Irish language competency test was available or planned.

The Office of An Coimisinéir Teanga attempted to resolve the matter through its informal complaints resolution process, but those efforts were not successful, and a formal investigation was initiated.

In a letter dated 17 April 2012, the Department told the investigation that arrangements were being made to re-establish language competency tests, and it was hoped that a suitable system would be in place shortly. The investigation was suspended temporarily to allow the Department to make the necessary arrangements.

Cuireadh in iúl don imscrúdú ar an 27 Lúnasa, 2012, tar éis tuairisc a iarraidh ar an dul chun cinn, go raibh an Roinn Caiteachais Phoiblí agus Athchóirithe fós i mbun idirbheartaíocht ar an gceist i dtaca le socrú buan, ach go raibh socruithe eatramhacha déanta i gcás comórtais ar leith nuair a léirigh ranna éagsúla go raibh riachtanas acu dá leithéid.

Beartaíodh, i bhfianaise na litreach sin, gur ghá leanúint den imscrúdú agus cinneadh foirmiúil a dhéanamh i dtaca le ceist na gceart agus na ndualgas teanga sa chás seo.

Thug an Roinn Caiteachais Phoiblí agus Athchóirithe le fios don imscrúdú ar an 3 Deireadh Fómhair go mbeadh na cúraimí i dtaca le hoiliúint agus tástáil cumais sa Ghaeilge sa Státseirbhís, a bhíodh go nuige seo ar Ghaeleagras, á n-aistriú go dtí an Roinn Ealaíon, Oidhreacht agus Gaeltachta ó thús 2013.

Níor mhian leis an ngearánach sa chás seo go ndéanfainn aon mholtaí sonracha i leith a cáis féin ach amháin go n-admhófaí gur sáraíodh a cearta teanga agus go gcuirfí córas i bhfeidhm athuair le cinntiú go mbeadh deis ag iarrthóirí cuí eile a n-inniúlacht in dhá theanga oifigiúla an Stáit a thástáil chun críche marcanna bónais i gcomórtais um ardú céime sa Státseirbhís.

Moladh de thoradh an imscrúdaithe, mar íosmhéid ar fad, go rachfaí chun cinn le feidhmiú na socruithe a bhí geallta i litir na Roinne dar dáta an 3 Deireadh Fómhair, 2012, agus go mbeadh na socruithe nua dar tagraíodh i bhfeidhm le héifeacht ó thús 2013.

Cé gur gnó don Aire agus don Roinn é forálacha reachtúla a dhéanamh i leith inniúlacht sa dá theanga oifigiúla sa Státseirbhís agus ciorcláin a eisiúint de bhun agus de bhua alt 17 d'Acht Rialuithe na Státseirbhíse, 1956, dúradh i dtuarascáil an imscrúdaithe go mbeadh sé inmholta, tráth a raibh athchóiriú áirithe le déanamh ar an gcóras seo, go dtapófaí an deis chun athbhreithniú cuimsitheach a dhéanamh ar an ábhar agus leasuithe a dhéanamh a chinnteodh go mbeadh córas ann a bheadh oiriúnach dá fheidhm.

Ba é tuairim an imscrúdaithe gur cur amú ama agus cur i gcéill a bheadh ann mura mbeadh de thoradh ar an athrú seo ach go ndaingneofaí arís an córas lochtach céanna a raibh fios againn anois, tar éis tréimhse 40 bliain, nach raibh ag éirí leis a chinntiú go bhfuil dóthain foirne le Gaeilge ag leibhéil éagsúla ar fud na Státseirbhíse. Meabhraíodh freisin go raibh deis stairiúil anois ann dul i ngleic go foirfe leis an gceist.

Thug an tAire Caiteachais Phoiblí agus Athchóirithe le fios, tar éis dó an tuarascáil ar an imscrúdú a mheas, go mbeadh deis san aistriú seirbhíse chuig an Roinn Ealaíon, Oidhreacht agus Gaeltachta na cleachtais reatha a athchóiriú agus dúirt sé go raibh a Roinn féin tiomanta do mheicníochtaí a chur ar fáil trínar féidir le ranna teacht ar na scileanna nó iad a fhorbairt chun a gcuid seirbhísí a sheachadadh go dátheangach.

Imscrúdú seolta: an 22 Márta, 2012

Tuarascáil eisithe: an 26 Deireadh Fómhair, 2012

Having sought a report on the matter, the investigation was informed, on 27 August 2012, that the Department of Public Expenditure and Reform was still engaged in negotiating a permanent resolution of the issue, but that interim arrangements had been made to facilitate individual competitions where requested by departments.

It was decided, as a result of the letter, to continue the investigation and make a formal finding on the question of language rights and obligations in this case.

The Department informed the investigation by letter on 3 October 2012 that responsibility for Irish language training and competence testing, previously a matter for Gaeleagras, would be transferred to the Department of Arts, Heritage and the Gaeltacht from the beginning of 2013.

The complainant in this case had not sought that specific recommendations be made in her own case but, rather, that the breach of her statutory language rights be recognised and that a system be put in place to ensure that other candidates would have the opportunity to have their competence in the two official languages of the State evaluated in order that they might be credited with bonus marks in Civil Service promotion competitions.

The investigation concluded that, as a minimum, the arrangements outlined in the Department's letter of 3 October 2012 be implemented and that the new arrangements be in place from the beginning of 2013.

While it was a matter for the Minister and Department to make statutory provisions in relation to competence in both official languages in the Civil Service and to issue circulars pursuant to and by virtue of powers under section 17 of the Civil Service Regulation Act 1956, the report of the investigation suggested that it would be advisable, at a time when certain reforms were in hand, that the opportunity be seized to undertake a comprehensive review of the issue in order that changes be made to ensure that the system was fit for purpose.

The investigation considered that the changes being envisaged would be merely pretence and a waste of time if they resulted only in the continuation of the same flawed system which was seen, with the evidence of 40 years, to have failed in ensuring an adequate supply of staff with competence in Irish at various levels in the Civil Service. The investigation pointed out that the changing circumstances provided an historic opportunity to deal decisively with the matter.

The Minister for Public Expenditure and Reform, having considered the report of the investigation, said that the transfer of the service to the Department of Arts, Heritage and the Gaeltacht would provide an opportunity to reform the current practices and that his own Department was committed to providing a mechanism by which departments could acquire or develop the skills to provide their services bilingually.

Investigation launched: 22 March 2012

Report issued: 26 October 2012

An tÚdarás Náisiúnta Iompair

Léirigh imscrúdú gur comharthaí lena mbaineann dualgais reachtúla teanga a bhí san fhaisnéis a bhí eisithe ag an Údarás Náisiúnta Iompair lena cur ar taispeáint i bhfeithiclí beaga seirbhíse poiblí (ar nós tacsaithe), agus gur sárú reachtúil a bhí ann gur i mBéarla amháin, seachas go dátheangach mar a bhíodh roimhe, a eisíodh an t-ábhar seo.

Rinneadh gearán le hOifig an Choimisinéara Teanga nach raibh an tÚdarás ag cloí leis na rialacháin faoi fho-alt 9(1) d'Acht na dTeangacha Oifigiúla, fad is a bhain sé le dhá mhír faisnéise a eisíodh le cur ar taispeáint i dtacsaithe i dtaca le turais agus táillí taistil. Cuireadh an t-ábhar i mBéarla amháin ar fáil in ionad ábhar a bhíodh dátheangach go dtí sin, agus treoraíodh gur gá do gach tacsái feasta dhá chóip den leagan Béarla a chur ar taispeáint.

Ba í an cheist a bhí le socrú ná an “comharthaí” a bhí i gceist anseo chun críche na reachtaíochta. Dá mba ea, ní raibh aon cheist ann ach gur ghá go mbeidís i nGaeilge nó dátheangach (i nGaeilge agus i mBéarla).

Tá na rialacháin maidir le húsáid na dteangacha oifigiúla ar chomharthaíocht soiléir agus, lasmuigh d'eisceachtaí lena mbaineann díolúine, baineann siad le gach comhartha a chuireann comhlacht poiblí in airde. I bhfo-alt 6(1) de na rialacháin, deirtear go mbaineann na forálacha seo le haon chomhartha a chuireann comhlacht poiblí in airde, nó a chuirtear in airde thar a cheann, in aon suíomh.

Dúirt an tÚdarás nach nglactar le tacsaithe ceadúnaithe mar mhaoín i seilbh an phobail agus gurb ionann iad agus feithiclí príobháideacha, ach níorbh fhéidir a shéanadh gur riachtanas ceadúnaithe é “*go gcuirfeadh tacsaithe, hacnaithe agus limisíní uile an fhaisnéis seo ar fáil do chustaiméirí ar bhonn infheithicle*.” Ba léir go raibh ordú á thabhairt ag an Údarás an t-ábhar seo a chur ar taispeáint faoi threoir reachtúil agus ba dheacair idirdhealú a dhéanamh idir an dualgas faisnéis a chur ar taispeáint faoi na cúinsí sin agus é a chur in airde mar chomhartha eolais.

Bhí an tÚdarás Náisiúnta Iompair tagtha ar an tuairim nach comharthaí a bhí san fhaisnéis áirithe seo, *inter alia*, de bharr teagmháil a bhí déanta aige le hoifigeach sinsearach de chuid na Roinne Gnóthaí Pobail, Tuaithe agus Gaeltachta, mar a bhí, tráth a raibh na rialacháin á mbeartú. Ba léir don imscrúdú, áfach, go raibh an t-oifigeach ag soláthar na comhairle bunaithe ar dhréacht de na rialacháin nach raibh daingnithe an tráth sin. Níor daingníodh go ceann dhá bhliain go leith ina dhiaidh sin iad agus pléadh agus leasaíodh na luathdhréachtaí idir an dá linn.

Níor mhiste a lua freisin go bhfuil an dualgas reachtúil i dtaca le comhairle a sholáthar do chomhlachtaí poiblí maidir le dualgais teanga faoi Acht na dTeangacha Oifigiúla dílsithe le dlí d'Oifig an Choimisinéara Teanga amháin i bhfo-alt 21(e) den Acht. Ba chirt don Údarás Náisiúnta Iompair comhairle na hOifige seo a lorg sula ndearnadh caiteachas an-mhór airgid phoiblí ar an tionscnamh seo.

Seo mar a bhí ráite ag an Údarás Náisiúnta Iompair: “*Is iondúil go gciallaíonn comhartha struchtúr ar taispeáint ag léiriú nó ag fógairt láthair ghnó, nó ag tabhairt comharthaí nó treoracha. Ní chun críocha dá leithéid*

National Transport Authority

An investigation found that the in-vehicle information issued by the National Transport Authority, for display in small public service vehicles (such as taxis), constituted signage to which language stipulations apply and, therefore, it was a breach of statutory obligations when the material was issued in English only rather than bilingually as had been the case previously.

A complaint was made to the Office of An Coimisinéir Teanga alleging that the National Transport Authority had breached subsection 9(1) of the Official Languages Act with regard to its issuance of the two pieces of information for display in taxis concerning trips and travel charges. The material, in English only, replaced already existing bilingual information and taxis were in future required to display two copies in English.

The issue to be decided was whether or not these items were “signs” for the purposes of the legislation. If they were, there would be no question but that they must be in Irish or bilingual (in Irish and English).

The regulations in relation to the use of the official languages on signs are clear and, except in the case of specific exemptions, they apply to all signs placed by public bodies. In accordance with subsection 6(1) of the regulations, the provisions apply to any sign placed by a public body, or on its behalf, at any location.

The Authority said that licensed taxis are seen not as public property but as equivalent to private vehicles; however, it is a requirement of registration that “*all taxis, hackneys and limousines make this information available in-vehicle to their customers*”. (trans.) It was clear that the National Transport Authority required this information to be displayed by statutory obligation, and it would be difficult to distinguish between this requirement to display information under those conditions and its placement as a sign.

The National Transport Authority had reached this conclusion – that the information did not constitute signage – *inter alia*, as a result of correspondence with a senior official in the former Department of Community, Rural and Gaeltacht Affairs, at a time when the regulations were still in draft form. It was clear to the investigation that the official gave advice based on drafts of regulations that had not yet been confirmed. The regulations weren't enacted for a further two and a half years and in the intervening period the early drafts were discussed and amended by a joint Oireachtas Committee.

It is important to point out also that the statutory duty to provide advice to public companies in relation to their language obligations under the Official Languages Act is legally vested in the Office of An Coimisinéir Teanga, in accordance with subsection 21(e) of the Official Languages Act. The National Transport Authority should more properly have sought advice from this Office before the expenditure of considerable public monies on this project.

The National Transport Authority maintained that “*Normally, a sign means a structure which is displayed and indicates a business location, or gives notices or directions. This sticker and the SPSV information card are not*

seo iad an greamán agus cárta faisnéise SPSV, níl ann dóibh ach chun faisnéis a sholáthar d'úsáideoirí seirbhíse. Déanann na Rialacháin trácht do chomharthaí a "chur" ag "láithreacha" (a thugann le tuiscint go bhfuil siad socraithe go buan i láthair sheasta) seachas i bhfeithiclí, agus ag pointe amháin déantar trácht d'údarais phoiblí a bheartaíonn ar chomharthaí "a chur in airde", a thugann le tuiscint freisin gur feistis seasta atá i gceist – agus níl sé sin i gceist lenár gcártaí".

Níor ghéill an t-imscrúdú don argóint sin. Níl sainmhíniú ar leith tugtha ar an bhfocal "comhartha" chun críche Acht na dTeangacha Oifigiúla ná sna rialacháin atá déanta faoin Acht. Is í an riail maidir le forléiriú dlíthiúil i gcásanna den chineál sin go bhféachtar ar an gcomhthéacs iomlán ina bhfuil an focal in úsáid agus ar ghnáthbhrí an fhocail.

Chonacthas don imscrúdú gurb ionann comhartha agus eolas nó faisnéis atá curtha ar taispeáint a thugann san áireamh, ach nach bhfuil teoranta do, na cineálacha comharthaí seo a leanas – comhartha rabhaidh, comhartha eolais/faisnéise, comhartha teagascach, comhartha treo, comhartha sainordaitheach, comhartha éigeandála, comhartha coiscithe, comhartha guaise nó priacail, comhartha sábháilteachta, comhartha lasta, comhartha leictreonach.

Bhí an fhaisnéis ábhartha le cur ar taispeáint mar eolas don phobal i gcoitinne agus ba ghá é a bheith ar taispeáint go leanúnach. Ba chion é an fhaisnéis seo a bhaint nó a thógáil ón láthair ina mbeadh sé ar taispeáint i bhfeithicil.

Ní raibh aon amhras ar an bhfoireann imscrúdaithe, dá bhrí sin, ach gur comharthaí iad seo chun críche na rialachán maidir le húsáid teangacha oifigiúla. Is mar chomharthaí faisnéise a fheidhmíonn na cártaí faisnéise seo agus tá siad curtha i gcúl na feithicle chun úsáideoirí tacsáí a chur ar an eolas faoina gcearta agus a gcuid freagrachtaí. Cuirtear greamán na dtáillí in airde freisin ar an scáthlán gréine ar thaobh an phaisinéara den fheithicil chun na críche céanna agus is comhartha faisnéise don phobal i gcoitinne iad freisin.

Mhol an t-imscrúdú go gcinnteodh an tÚdarás Náisiúnta Iompair go mbeadh na comharthaí faisnéise infheithicle atá eisithe aige lena gcur ar taispeáint i bhfeithiclí beaga seirbhíse poiblí i nGaeilge nó dátheangach (Gaeilge agus Béarla) faoi réir na ndualgas reachtúil atá leagtha amach sna rialacháin (I.R. Uimhir 391 de 2008). Gan dochar, áfach, don dualgas reachtúil a bhí i gceist láithreach, moladh gur ag an tráth a mbeadh an chéad athdhearadh nó nuashonrú eile á dhéanamh ar na comharthaí faisnéise sin a chinnteofaí géilliúlacht iomlán don dualgas teanga cuí, agus go gcuirfí leagan Gaeilge ar fáil idir an dá linn in aon chás ina n-iarrfaí a leithéid.

Imscrúdú seolta: an 1 Márta, 2012

Tuarascáil eisithe: an 10 Bealtaine, 2012

designed for this purpose; they exist only to provide information to service users. The Regulations refer to signs "placed" at "locations" (which implies that they are placed permanently in a fixed location) rather than in vehicles, and at one point there is reference to public authorities proposing "to erect" signs, which implies also that they are permanent fittings – and therefore not relevant to our cards." (trans.)

The investigation did not concur with this interpretation. No specific definition has been provided for the word "sign" for the purposes of the Official Languages Act or the regulations made under the Act. When no specific definition is provided in an enactment, the statutory 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 investigation concluded that a sign is the display of information which includes but is not limited to the following types of sign – 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.

The investigation noted that the relevant information was to be displayed on a continuous basis for the information of the general public and that it was an offence to remove it from the place where it was displayed in the vehicle.

The investigation team was therefore in no doubt that these were signs for the purposes of the regulations in regard to the use of the official languages. The information cards function as informational signs and are placed in the back of the vehicle to inform taxi users about their rights and their responsibilities. Stickers with information on fares are also placed on sun visors on the passenger's side for the same purpose, and these are also informational signs for the general public.

The investigation recommended that the National Transport Authority ensure that the in-vehicle information signs it issued for display in small public service vehicles were in Irish or bilingual (in Irish and English) in accordance with the statutory requirement set out in the Regulations (S.I. Number 391 of 2008) made under the Official Languages Act. However, without prejudice to the statutory requirement to ensure that the signs complied immediately with the provisions of the regulations, it was recommended that full compliance with the relevant language obligations be achieved at the next redesign or updating of the informational signs, and in the meantime that Irish language versions would be made available in any case in which they were requested.

Investigation launched: 1 March 2012

Report issued: 10 May 2012

Ollscoil Luimnigh

Léirigh imscrúdú go raibh sárú á dhéanamh ag Ollscoil Luimnigh ar na dualgais reachtúla teanga atá daingnithe i bhfo-alt 7(2) d'Ionstraim Reachtúil (I.R. Uimh. 391 de 2008) – [Na Rialacháin um Acht an dTeangacha Oifigiúla, 2003 (Alt 9) 2008] – fad is a bhain sé le húsáid ainm an chomhlachta phoiblí féin ar a cuid stáiseanóireachta.

Dúisíodh ceist le linn iniúchadh a bheith á dhéanamh ag Oifig an Choimisinéara Teanga ar ghealltanais i scéim teanga na hOllscoile faoi ghéilliúlacht an chomhlachta phoiblí do na dualgais reachtúla maidir le húsáid teangacha oifigiúla i gceannnteideal stáiseanóireachta agus ar chomharthaíocht nua.

Fad is a bhí an t-ábhar fós á phlé idir an Oifig agus údaráis na hOllscoile, tháinig gearán chuig an Oifig inar lómhnaíodh go raibh tús áite á thabhairt don Bhéarla ar cheannteidil stáiseanóireachta agus ar chomharthaíocht na hOllscoile i gcoimhlint leis an dualgas reachtúil. Níor éirigh leis an bpróiseas neamhfhoirmiúil réitithe gearán a fheidhmiú an Oifig comhréiteach a aimsiú sa chás, agus ní raibh de rogha ach imscrúdú reachtúil a sheoladh.

Bhain croí an scéil sa chás a chuir Ollscoil Luimnigh i láthair an imscrúdaithe le *lógó* na hOllscoile, le sainmhíniú ar a raibh i gceist le *“lógó”*, agus le díolúine ó dualgas reachtúil teanga a bhí daingnithe do *“lógó”* i bhfo-alt 9(1)(b) de na Rialacháin chuí.

Dúirt an Ollscoil leis an imscrúdú go raibh díolúine aici ó na dualgais teanga atá daingnithe in alt 7 de na Rialacháin de bharr gur lógó na hOllscoile a bhí i gceist anseo agus go bhforálann fo-alt 9(1)(b)(ii) de na Rialacháin nach gceanglaítear ar chomhlachtaí poiblí aistriúchán a dhéanamh ó theanga oifigiúil amháin go teanga oifigiúil eile i gcás lógó. D'éiligh an Ollscoil gur *“díolúine ghinearálta é maidir le lógónna”* atá ar fáil san Ionstraim Reachtúil agus go raibh *“earráid dlí déanta maidir le ciall an fhocail ‘lógó’”* agus gur *“féidir níos mó a bheith i gceist le lógó ná dearadh nó léaráid éigin”*. Dúirt an Ollscoil gur chláraigh sí an *“lógó”* mar thrádmharc sa bhliain 1990, gur shocraigh sí na mionsonraí a bhaineann lena branda an bhliain sin, gur fhaomh Coiste Feidhmithe na hOllscoile na mionsonraí céanna arís sa bhliain 2011, agus gur cuid dhílis den trádmharc sin go mbaineann dearadh/siombail/léaráid agus focail (ainm an chomhlachta phoiblí) leis, agus an t-ainm sin i litreacha móra i mBéarla ar dtús agus i litreacha beaga i nGaeilge thíos faoin ainm i mBéarla.

Cuireadh cóip den ábhar atá cláraithe mar thrádmharc cláraithe ar fáil don imscrúdú, mar aon le doiciméid inar leagadh amach na mionsonraí a bhaineann leis an mbranda sin. Thug an Ollscoil le fios nach bhféadfaí meirge/suaithéantas na hOllscoile a úsáid gan na focail a úsáid chomh maith. Thuairiscigh sí go raibh mórchuid ama agus airgid caite ag an Ollscoil leis an lógó seo a fhorbairt agus a chosaint, agus gur ceart maoinne é de bharr go bhfuil sé cláraithe aici mar thrádmharc cláraithe, agus dúirt:

“Má dhéantar iarracht ar bith chun a rá gurb é is ciall leis na Rialacháin ná go gcaithfear lógó Ollscoil Luimnigh a athrú, is ionann é sin agus míthuiscint mhíbhunreachtúil ar na Rialacháin agus ionsaí gan údar is ea é ar chearta maoinne Ollscoil Luimnigh ina lógó.”

University of Limerick

An investigation found that the University of Limerick was in breach of the statutory language obligations that are set out in subsection 7(2) of Statutory Instrument (S.I. No. 391 of 2008) – [Official Languages Act 2003 (Section 9) Regulations 2008] – as far as it concerned the use of the public body's name on its stationery.

A question arose as to the compliance of the University with the statutory obligations in relation to the use of the official languages in headings of stationery and new signage during an audit by the Office of An Coimisinéir Teanga of the commitments in the University's Irish language scheme.

While the matter was still under discussion between the Office and the University authorities, a complaint was made to the Office in which it was alleged that English was being put in prime position in headings of stationery and signs of the University in conflict with statutory requirements. The informal complaints resolution process which the Office uses failed to reach a resolution in the case and there was therefore no alternative but to proceed to a statutory investigation of the matter.

The University's *logo*, the definition of *“logo”* and the exemption in respect of *“logos”* set out in subsection 9(1)(b) of the relevant regulations were the core issues in the case that the University of Limerick put to the investigation.

The University told the investigation that it considered it had an exemption from the obligations confirmed in section 7 of the Regulations because it was using a logo and, in the case of a logo, subsection 9(1)(b)(ii) of the Regulations provides that a public body is not obliged to translate from one official language to another. The University claimed that it is a *“general exemption with regard to logos”* (trans.) that is set out in the Statutory Instrument and that *“an error of law was made with regard to the meaning of the word ‘logo’”* (trans.) and that *“a logo can be more than a type of design or graphic.”* (trans.) The University stated that it had registered the *“logo”* as a trademark in 1990, that it set out the detail of the brand in that year, that the Executive Committee of the University approved it again in 2011 and that it was an integral part of that trademark that the design/symbol/graphic and words (the name of the public body) were shown, with that name in large English letters first and in small letters in Irish under the name in English.

A copy of the material that is filed as a registered trademark was provided to the investigation, along with a document which set out the detail of that brand. The University advised that the crest/badge of the University could not be used without using the words also. The University reported that a lot of time and money had been invested in the development and protection of this logo and that it was a property right due to the fact that it was registered as a trademark, and stated:

“If any attempt is made to say that the Regulations require the University of Limerick's logo to be altered, that would be seen as an unconstitutional misunderstanding of the Regulations and an unwarranted attack on the University of Limerick's property rights in its logo.” (trans.)

Ba chosúil gur chreid an Ollscoil gurb ionann an trádmarc mar atá cláraithe agus an lógó a luaitear i bhfo-alt 9 d'Ionstraim Reachtuil 391 de 2008. Níl sainmhíniú ar leith tugtha ar an bhfocal “lógó” san Acht ná sna Rialacháin atá déanta faoin Acht. Dá bhrí sin, is é an riail forléirithe go bhféachtar ar ghnáthbhrí na bhfocal. Is ceart a nótáil, áfach, nach luaitear “trádmarc” go sainiúil mar ní a bhfuil díolúine geallta ina leith faoi na Rialacháin. Is é an gnáth-shainmhíniú atá ar lógó ná siombail, samhail, comhartha, dearadh nó léaráid phictiúrtha a úsáidtear chun aitheantas ar leith a éascú. In Acht na dTrádmarcanna, 1996 (Uimhir 6) is ionann trádmarc agus “any sign capable of being represented graphically which is capable of distinguishing goods or services from one undertaking from those of other undertakings”. I bhfo-alt (2) d’alt 6 den Acht sin, deirtear – “a trade mark may, in particular, consist of words (including personal names), designs, letters, numbers or the shape of goods or their packaging”. Thug an t-imscrúdú faoi deara nach luaitear “logo” in Acht na dTrádmarcanna.

Maidir le ceist na comharthaíochta, chuir an Ollscoil grianghraif ar fáil de chomharthaíocht a chomhlíon na Rialacháin agus thug sí le fios nach bhféadfadh sí dul níos faide leis an scéal mura dtabharfaí di sonraí an ghearáin a fuair an Oifig. Thug an Ollscoil le fios nár ghlac sí leis go raibh stáiseanóireacht agus comharthaí nua na hOllscoile ag sárú na ndualgas reachtuil teanga. Cé nár ghlac sí leis go raibh an reachtaíocht á sárú, thairg an Ollscoil ainm Gaeilge agus ainm Béarla na hOllscoile, san ord sin agus mar a chéile ó thaobh méide de, a chur ar a stáiseanóireacht, “ach ina theannta sin, fanfaidh a lógó ann mar atá sé faoi láthair.”

Baineann na Rialacháin atá déanta faoi fho-alt 9(1) d’Acht na dTeangacha Oifigiúla le húsáid na dteangacha oifigiúla – Gaeilge agus Béarla – ar stáiseanóireacht agus comharthaíocht na gcomhlachtaí poiblí a thagann faoi scáth na reachtaíochta, agus sonraítear an méid seo a leanas i gcás stáiseanóireacht agus comharthaíocht dhátheangach:

- Beidh an téacs i nGaeilge ann ar dtús.
- Beidh an téacs i nGaeilge chomh feiceálach, chomh sofheicthe agus chomh hinléite céanna leis an téacs i mBéarla.
- Ní bheidh na litreacha sa téacs i nGaeilge níos lú, ó thaobh méide de, ná na litreacha sa téacs i mBéarla.
- Maidir leis an téacs i nGaeilge, cuirfidh sé in iúl an fhaisnéis chéanna leis an bhfaisnéis a chuireann an téacs i mBéarla in iúl.
- Ní dhéanfar focal sa téacs i nGaeilge a ghiorrú mura bhfuil an focal sa téacs i mBéarla, ar aistriúchán air é, giorraithe freisin.

Ceadaítear díolúine áirithe sna rialacháin agus bhí cuid acu sin ábhartha don imscrúdú seo. Ní cheanglaítear ar chomhlachtaí poiblí aistriúchán a dhéanamh ó theanga oifigiúil amháin go teanga oifigiúil eile i gcás na nithe seo a leanas–

- (i) ainm duine
- (ii) lógó
- (iii) ainm branda, nó
- (iv) ainm comhlachta (seachas comhlacht poiblí)

It appeared that the University believed that the trade mark as registered and the logo referred to in subsection 9 of Statutory Instrument 391 of 2008 were one and the same. There is no specific definition given for the word “logo” in the Act or in the Regulations made under the Act. The interpretative rule is based on the concept of the usual meaning of the word. It should be noted, however, that a “trade mark” is not specifically mentioned as being exempt under the Regulations. The usual definition of “logo” is a symbol, image, sign, design or pictorial graphic which is used to facilitate specific identification. In the Trade Marks Act 1996 (Number 6), a “trade mark” is defined as “any sign capable of being represented graphically which is capable of distinguishing goods or services from one undertaking from those of other undertakings”. Subsection (2) of section 6 of the Act states – “a trade mark may, in particular, consist of words (including personal names), designs, letters, numbers or the shape of goods or their packaging”. The investigation noted that “logo” is not mentioned in the Trade Marks Act.

As regards the question of signage, the University provided photographs of signs which complied with the Regulations and advised that it could not progress the matter if details of the complaint received by the Office were not provided. The University advised that it did not accept that the stationery and new signage of the University were in breach of the statutory language obligations. Although it did not accept that the legislation was being breached, the University offered to put the name of the University in Irish and in English, in that order and of equivalent size, on its stationery, “but in addition to this, the logo will remain as it currently appears.” (trans.)

The Regulations made under section 9(1) of the Official Languages Act relate to the use of the official languages – Irish and English – on stationery and signage of the public bodies which come under the auspices of the Act and specify the following in relation to bilingual stationery and signage:

- The text in the Irish language shall appear first.
- The text in the Irish language shall not be less prominent, visible or legible than the text in the English language.
- The letters in the text in the Irish language shall not be smaller in size than the lettering of the text in the English language.
- The text in the Irish language shall communicate the same information as is communicated by the text in the English language.
- A word in the text in the Irish language shall not be abbreviated unless the word in the text in the English language, of which it is the translation, is also abbreviated.

Certain exemptions are provided for in the Regulations and some of these were relevant to this investigation. Public bodies are not obliged to translate from one official language to the other official language in respect of the following:–

- (i) A person’s name
- (ii) A logo
- (iii) A brand name, or
- (iv) The name of a body (other than a public body)

Mhaígh Ollscoil Luimnigh gur díolúine ghinearálta atá i Rialachán 9(1)(b)(ii) maidir le lógó. Bheadh de thoradh ar an tuiscint sin go bhféadfadh comhlacht poiblí ar bith éalú ón bhfeidhm is cuspóir don fhoráil i bhfo-alt 7(2) de na Rialacháin ach ainm an chomhlachta phoiblí a fhógairt mar lógó i mBéarla amháin, cuirim i gcás, nó an t-ainm i mBéarla a bheith ar dtús ann agus an téacs i nGaeilge sa dara háit nó i litreacha níos lú, etc. Faoi léirmhíniú sin, bheadh d'éifeacht leis an bhforáil i bhfo-alt 9(1)(b)(ii) an éifeacht atá le bheith le fo-alt 7(2) de na rialacháin chéanna a chealú ionas go bhféadfadh gnéithe lárnacha de stáiseanóireacht agus de chomharthaíocht chomhlachtaí poiblí na tíre a bheith i mBéarla amháin fad is go rabhthas ag maíomh gur *“lógónna”* a bhí iontu.

I bhfocail eile, seachas *“úsáid na Gaeilge a chur chun cinn chun críoch oifigiúil sa Stát”* agus chun *“socrú a dhéanamh maidir le dhá theanga oifigiúla an Stáit a úsáid ... le linn obair comhlachtaí poiblí a dhéanamh”*, mar atá mar aidhm ag an Acht, bheadh treisiú á dhéanamh sna Rialacháin seo ar cheart comhlachtaí poiblí an Béarla amháin a roghnú chun na gríoch seo nó, ar a laghad, an Ghaeilge a fhágáil in áit na leathphingine sna cúrsaí seo. B'ionann sin agus a rá gur cuireadh an díolúine isteach ar mhaithe leis an bhforáil i bhfo-alt 7(2) de na Rialacháin a chealú ó thaobh feidhme agus éifeachta de. Toradh áiféiseach a bheadh ina leithéid agus ní féidir géilleadh gurbh é sin ba chuspóir don Aire a thug na Rialacháin faoina láimh.

Anuas air sin, ba léir don imscrúdú gur cinneadh eisceacht nó díolúine a thabhairt i gcás gach cineál eile comhlachta ach amháin comhlachtaí poiblí. Tá an díolúine sin daingnithe i bhfo-alt 9(1)(b)(iv) de na rialacháin nuair a cheadaítear díolúine ón dualgas reachtúil teanga i gcás *“ainm comhlachta (seachas comhlacht poiblí)”*.

Chonacthas don imscrúdú gur mar thrádmharc, seachas mar lógó, a bhí lógó agus ainm iomlán Ollscoil Luimnigh i mBéarla agus i nGaeilge cláraithe, ach nár chinntigh an gníomh sin díolúine ó na rialacháin reachtúla teanga nuair nach bhforáiltear sna Rialacháin do dhíolúine i gcás trádmharcanna agus go ndeimhnítear sna Rialacháin freisin nach ann d'aon díolúine ó na dualgais reachtúla teanga i gcás ainm comhlachta phoiblí.

Maidir le ceannnteideal stáiseanóireachta Ollscoil Luimnigh, fad is a bhain sé le hainm an chomhlachta phoiblí féin, ba léir nach raibh an téacs i nGaeilge ann ar dtús, nach raibh an téacs i nGaeilge chomh feiceálach, chomh sofheicthe ná chomh hinléite céanna leis an téacs i mBéarla, agus go raibh na litreacha sa téacs i nGaeilge níos lú, ó thaobh méide de, ná na litreacha sa téacs i mBéarla. Dá thoradh sin, fuarthas mar fhionnachtain ar an imscrúdú nach raibh na dualgais reachtúla teanga atá daingnithe i bhfo-alt 7(2) de na Rialacháin in I.R. 391 de 2008 á gcomhlíonadh go cuí ag Ollscoil Luimnigh.

I ngeall ar staid reatha an gheilleagair, mhol an t-imscrúdú d'Ollscoil Luimnigh an stoc reatha stáiseanóireachta a bhí ina seilbh a úsáid ar fad ar dtús agus na leasuithe cuí maidir le tús áite a thabhairt don leagan Gaeilge d'ainm an chomhlachta phoiblí, etc, a chur i bhfeidhm in aon stoc nua.

Imscrúdú seolta: an 7 Nollaig, 2011

Tuarascáil eisithe: an 31 Iúil, 2012

The University of Limerick claimed that the exemption in respect of logos in Regulation 9(1)(b)(ii) is a general one. The consequence of that interpretation would be that any public body could evade the requirement of the provision in subsection 7(2) of the Regulations, for example by declaring the name of the public body in English only as its logo or by putting the name of the public body in English first and putting the text in Irish in second place or in smaller letters, etc. Under this interpretation, the provision in subsection 9(1)(b)(ii) would nullify the effect of the provision of subsection 7(2) of the same Regulations, so that essential aspects of the stationery and signage of the country's public bodies could be in English only as long as it was claimed that they were *“logos”*.

In other words, instead of *“to promote the use of the Irish language for official purposes in the State;”* and *“to provide for the use of both official languages ... in carrying out the work of the public bodies”* as is the objective of the Act, the Regulations would be strengthening the right of public bodies to use English only for this purpose, or, at the very least, to leave Irish in a subsidiary position in these matters. That would be equivalent to saying that the exemption had been inserted in order to nullify subsection 7(2) of the regulations in both aim and effect. That would produce an absurd result and it could not be conceded that that was the objective of the Minister who authorised the Regulations.

In addition, it was clear to the investigation that a decision was made to grant an exception or exemption to every type of body other than a public body. That exemption is confirmed in subsection 9(1)(b)(iv) of the Regulations where an exemption is allowed from the statutory language obligation in the case of *“the name of a body (other than a public body)”*.

It was clear to the investigation that the logo and full name of the University of Limerick in English and Irish were registered as a trade mark (not as a logo) but that that action was not sufficient to ensure an exemption from the statutory language regulations; those Regulations do not provide for an exemption in the case of trade marks and it is confirmed in those Regulations that there is no exemption from the statutory language obligations in the case of the name of a public body.

As regards the University of Limerick's headings of stationery, in so far as it pertained to the name of the public body itself, it was clear that the text in Irish did not appear first, that the text in Irish was not as prominent, visible or legible as the text in English, and that the letters in the text in Irish were smaller in size than the letters in the text in English. As a result, the finding of the investigation was that the statutory language obligations that are contained in subsection 7(2) of the Regulations in S.I. 391 of 2008 were not being appropriately complied with by the University of Limerick.

In light of the current economic situation, the investigation recommended to the University of Limerick to use up all the current stock of stationery in its possession and that the appropriate amendments to place the Irish version of the public body's name in prime position be made when ordering any new stock.

Investigation launched: 7 December 2011

Report issued: 31 July 2012

An Roinn Comhshaoil, Pobail agus Rialtais Áitiúil

Léirigh imscrúdú gur sháraigh an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil an dualgas reachtúil teanga atá daingnithe i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla, fad is a bhain sé le gealltanas dá scéim reachtúil teanga, i bhfoilsíú trí Bhéarla amháin a dhéanamh ar an gcáipéis *Reform of the water sector in Ireland*, tráth nach raibh leagan Gaeilge ar fáil go comhuaineach. Chinn an t-imscrúdú, áfach, nach raibh aon sárú ar fho-alt 10(a) den Acht sa chás áirithe seo.

Bhí argóint déanta ag an ngearánach gur doiciméad a bhí ann ina leagtar amach tograí beartais phoiblí.

Tá dualgas ar chomhlachtaí poiblí faoi fho-alt 10(a) d'Acht na dTeangacha Oifigiúla aon doiciméad ina leagtar amach tograí beartais phoiblí a fhoilsíú go comhuaineach i ngach ceann de na teangacha oifigiúla. Anuas air sin, tá dualgas ar leith ar an Roinn Comhshaoil faoina scéim teanga i dtaca le soláthar leaganacha Gaeilge d'fhoilseacháin lárnacha.

Ba é seasamh na Roinne nach ndearna an páipéar ach eolas cúlra ar an earnáil uisce a leagan amach agus nár leagadh tograí beartais phoiblí amach sa cháipéis ach go ndearna sé “*athrá ar na tograí a bhí aontaithe agus foilsithe cheana féin i gClár don Rialtas agus i gClár Tacaíochta Airgeadais d'Éireann leis an AE/IMF mar chuid den phróiseas leis an aidhm chun comhairle a thabhairt do cur i bhfeidhm na tograí beartais phoiblí sin.*”

Más fíor nach raibh “tograí beartais phoiblí” sa doiciméad seo, ba chosúil go raibh ar a laghad macalla ann gur doiciméad den chineál sin a bhí i gceist, agus má bhí amhras ann, gur cheart bua an amhrais a thabhairt don dátheangachas, go háirithe nuair nach doiciméad fada a bhí i gceist a mbeadh moill nó costas rómhór lena aistriú.

Maidir leis an gceist i dtaca le foilseacháin lárnacha, tá dualgas ar an Roinn a leithéid a fhoilsíú i nGaeilge agus i mBéarla de thoradh ghealltanas na scéime. Ba dheacair a chreidiúint nach mórfhoilseachán a bheadh i gceist i gcás doiciméad ina moltar leasú ó bhonn ar chóras uisce na tíre agus moltaí le córas méadarúcháin agus táillí uisce a thabhairt i bhfeidhm sa tír den chéad uair. Bhí na hargóintí nach “foilseachán lárnach” í seo ag teacht salach ar bhrí na bhfocal sna preasráitis a eisíodh mar thaca lena sheoladh.

Chinn an t-imscrúdú gur foilseachán lárnach de chuid na Roinne Comhshaoil, Pobail agus Rialtais Áitiúil é *Reform of the water sector in Ireland*. Dá thoradh sin, bhí dualgas lena sholáthar i nGaeilge chomh maith le Béarla.

Ghlac an t-imscrúdú le maíomh *bona fide* na Roinne agus nach d'aon ghnó a sáraíodh an fhoráil reachtúil sa chás seo. Ceist léirmhínithe ar dhualgais teanga a bhí ann. Bhí comhairle le fáil ón Oifig seo go réamhghníomhach don Roinn i dtaca leis an ábhar seo ach í a lorg: níor lorgaíodh an chomhairle sin.

Ó tharla, áfach, go raibh deireadh leis an bpróiseas comhairliúcháin faoin am ar tugadh an t-imscrúdú chun críche, chinn an t-imscrúdú nach mbeadh aon bhuntáiste ann d'aon duine ag an bpointe ama sin a mholadh don Roinn leagan Gaeilge den doiciméad a chur ar fáil ansin.

Imscrúdú seolta: an 23 Feabhra, 2012

Tuarascáil eisithe: an 2 Aibreán, 2012

Department of the Environment, Community and Local Government

An investigation found that the Department of the Environment, Community and Local Government contravened its statutory obligations, as set out in subsection 18(1) of the Official Languages Act, with regard to a commitment in its statutory language scheme, by publishing the document *Reform of the water sector in Ireland* in English only and failing to provide an Irish version simultaneously as agreed in the scheme. The investigation concluded, however, that the Department had not contravened subsection 10(a) of the Act in this instance.

The complainant had argued that the document in question was one that set out a public policy proposal.

According to subsection 10(a) of the Official Languages Act, public bodies are obliged to publish any document setting out public policy proposals simultaneously, in each of the official languages. In addition, the Department of the Environment has a specific obligation, under its own language scheme, to provide Irish versions of core publications.

The Department argued that the publication merely provided background information on the water sector and that the document did not set out public policy proposals, rather it “*reiterated proposals that were agreed and published previously in the Programme for Government and in the EU/IMF Programme of Financial Support for Ireland as part of a process designed to advise on the implementation of those public policy proposals.*” (trans.)

If, in truth, the document did not contain “public policy proposals”, it appeared at the very least to contain measures which echoed such proposals, and where such an uncertainty existed it would be argued that the benefit of the doubt should favour a bilingual approach, particularly in the case of a short document where neither significant delay nor costs would attach to translation.

As regards the question of core publications, because of a commitment in its language scheme, the Department is obliged to publish such documents in Irish and in English. It would be hard to maintain that a document recommending fundamental changes to the delivery of water services throughout the country, as well as the introduction of a metering system and water charges for the very first time, is not a major publication. The argument that it was not a “core publication” was in direct conflict with the essence of the message contained in the press releases accompanying its launch.

The investigation found that the document *Reform of the water sector in Ireland* was a core publication of the Department of the Environment, Community and Local Government and that, therefore, there was an obligation to provide it in Irish as well as in English.

The investigation accepted the *bona fide* of the Department when it said that it had not deliberately breached the statutory provision in this case. Essentially, this was a question of interpretation of language obligations. This Office would have been proactive in providing advice; unfortunately, such advice was not sought.

Since the consultation period envisaged in the document had concluded by the time the investigation was complete, it was decided that it would not be of benefit to anyone to recommend that the Department provide an Irish version of the document at that stage.

Investigation launched: 23 February 2012

Report issued: 2 April 2012

Feidhmeannacht na Seirbhíse Sláinte

Léirigh imscrúdú gur sháraigh Feidhmeannacht na Seirbhíse Sláinte (FSS) an dualgas reachtúil teanga atá daingnithe i bhfo-alt 9(2) d'Acht na dTeangacha Oifigiúla maidir le cumarsáid a fhreagairt sa teanga oifigiúil chéanna ina bhfuarthas í agus í i mbun cumarsáide le gearánach den cheathrú huair as a chéile i gcás iarratas ar chárta leighis.

Rinne duine gearán le hOifig an Choimisinéara Teanga i mí Feabhra, 2012 gur eisigh FSS litir i mBéarla chuige mar fhreagra ar iarratas i nGaeilge chuig Roinn Cláráithe na gCliaint. Rinneadh seo d'ainneoin gealltanais a bheith tugtha ag FSS don Oifig de thoradh gearán eile ón gcliant céanna, go raibh córas curtha i bhfeidhm a chinnteodh nach dtarlódh a leithéid arís.

Tharraing an Oifig an cheist anuas leis an bhFeidhmeannacht i mí na Samhna, 2011 tar éis don ghearánach a chur in iúl go raibh freagra i mBéarla faighte aige faoi dhó ón bhFeidhmeannacht, ainneoin a ndualgais faoi Acht na dTeangacha Oifigiúla a bheith meabhraithe aige dóibh tar éis an chéad fhreagra, agus iarratas i scríbhinn a bheith déanta aige ar chomhfhreagras i nGaeilge.

Tar éis roinnt cur agus cúiteamh, eisíodh leagan Gaeilge den chomhfhreagras chuig an ngearánach, glacadh leithscéal, agus tugadh le fios go ndéanfaí gach iarracht aon sárú eile ar an bhforáil reachtúil a sheachaint.

Ar an 21 Nollaig, eisíodh litir i mBéarla arís chuig an ngearánach. Tarraingíodh an cheist anuas athuair leis an bhFeidhmeannacht agus cuireadh in iúl ar an 6 Eanáir go raibh an cás scrúdaithe athuair agus go raibh socrúithe curtha i bhfeidhm le cinntiú nach n-eiseofaí comhfhreagras sa chás i mBéarla arís. Ach seoladh ríomhphost i mBéarla arís chuig an ngearánach ar an 23 Feabhra mar fhreagra ar ríomhphost i nGaeilge dá chuid.

Léirigh an freagra seo ón bhFeidhmeannacht a dearcadh faoinar tharla sa chás seo: *"Tharla na fadhbanna seo mar thoradh ar thionscadal mór náisiúnta chun tabhairt faoi chártaí leighis a phróiseáil go lárnach, agus an méid oibre breise a d'éirigh as seo chomh maith céanna le haistriú na foirne nua sa chéad seacht mí le linn na tréimhse próiseála. Le linn na céime tosaigh den tionscadal a sheachadadh ba é an príomh sprioc a bhí againn ná freastal ar an riachtanas ard seirbhíse nach bhfacthas riamh roimhe a bhí ann agus níor éirigh chomh maith agus ba mhaith linn i ndáil lenár n-oibleagáidí faoi Acht na dTeangacha Oifigiúla. Táimid tar éis aghaidh a thabhairt ar na lochtanna seo sa ghearrthéarma de réir mar atá leagtha amach thuas, agus beidh ár n-athbhreithniú foirmiúil ar na próisis atá ann faoi láthair in ann aghaidh a thabhairt orthu go meántéarmach agus níos fadtéarmaí amach anseo."*

Ghlac an Fheidhmeannacht leis gur sháraigh sí an dualgas reachtúil faoi fho-alt 9(2) den Acht agus ghlac sí leithscéal as aon sárú maidir leis na dualgais a bhaineann leis an reachtaíocht sin.

Chonacthas don imscrúdú ón gcás a bhí curtha ina láthair ag an bhFeidhmeannacht nár oibrigh an córas a bhí in ainm is a bheith i bhfeidhm le plé le comhfhreagras i nGaeilge de bharr easpa eolais i measc na foirne. Ba léir gur ghá cúram ar leith a dhéanamh le cinntiú gur i nGaeilge a d'fhreagrófaí iarratais sa teanga sin.

Imscrúdú seolta: an 6 Márta, 2012

Tuascáil eisiithe: an 5 Aibreán, 2012

Health Service Executive

An investigation found that the Health Service Executive (HSE) contravened the statutory language obligation set out in subsection 9(2) of the Official Languages Act, which requires a public body to respond to a communication in the same official language in which it is received. This occurred four times in a row to the same complainant with regard to an application for a medical card.

A complaint was made to the Office of An Coimisinéir Teanga in February 2012 that the HSE issued a letter in English in response to a request in Irish to the Client Registration Unit. This occurred despite assurances being given by the HSE to the Office, as a result of a previous complaint from the same client, that a system had been put in place to ensure it did not happen again.

The Office raised the matter in November 2011 after the complainant said that he had received a reply in English twice from the HSE, even though he had reminded them of their obligations under the Official Languages Act after the first reply and had written to request correspondence in Irish.

Eventually, after some discussion, an Irish version of the correspondence was issued to the complainant; the HSE apologised and it indicated that it would make every effort to avoid any further breach of this legislative provision.

On 21 December, yet again, a letter in English issued to the complainant. The matter was raised again with the HSE and on 6 January it indicated that the case had been reviewed and arrangements confirmed to ensure that correspondence in English would not issue again. However, an e-mail, in English only, issued to the complainant on 23 February in response to an e-mail in Irish.

The following response from the HSE gave an account of what had happened in the case: *"These problems occurred as a result of the introduction of a major national project to centralise the processing of medical cards, the additional workload that resulted from this project and also the transfer in of new staff in the first seven months of the processing period. During the initial phase of the project, our main goal was to meet the unprecedentedly high demand for service and, unfortunately, we did not manage to comply with our obligations under the Official Languages Act as well as we would have wished. We have addressed these shortcomings in the short term as set out above; and our current formal review of the existing processes will address future difficulties in the medium and longer term."* (trans.)

The HSE accepted that it had breached the statutory duty set out in subsection 9(2) of the Act and apologised for any infringement of the legislation.

Having considered the case presented by the HSE, the investigation concluded that the system which was supposed to be in place to deal with correspondence in Irish failed because of a lack of awareness among staff. It was clear that specific care was required to ensure that applications in Irish were answered in Irish.

Investigation launched: 6 March 2012

Report issued: 5 April 2012

Comhairle Contae Chill Dara

Léirigh imscrúdú gur sháraigh Comhairle Contae Chill Dara an dualgas reachtúil teanga atá daingnithe i bhfo-alt 9(3) d'Acht na dTeangacha Oifigiúla agus í i mbun cumarsáide le c. 26,000 duine i gCill Dara i dtaca leis an Muirear Teaghlaigh.

Rinneadh gearán leis an Oifig gur scríobh Comhairle Contae Chill Dara i mBéarla amháin i mí Dheireadh Fómhair, 2012 chuig daoine ar fud an chontae, le faisnéis a roinnt leo faoin Muirear Teaghlaigh. Bhí an gearánach den bharúil gur cheart go mbeadh leagan Gaeilge nó leagan dátheangach de litir na Comhairle seolta chuige de réir fhorálacha Acht na dTeangacha Oifigiúla.

Leagann fo-alt 9(3) den Acht dualgas ar chomhlachtaí poiblí a chinntiú gur i nGaeilge, nó i mBéarla agus i nGaeilge, a dhéanfar aon chumarsáid i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne, más chun faisnéis a thabhairt don phobal nó don aicme atá an chumarsáid sin:

“I gcás ina ndéanfaidh comhlacht poiblí cumarsáid i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne chun faisnéis a thabhairt don phobal nó don aicme, cinnteoidh an comhlacht gur i nGaeilge, nó i mBéarla agus i nGaeilge, a bheidh an chumarsáid.”

Rinne an Oifig iarracht an cás seo a réiteach ar bhonn neamhfhoirmiúil leis an gComhairle Contae, ach níor éirigh leis an iarracht sin.

Níor ghlac an Chomhairle leis gur sárú ar fho-alt 9(3) den Acht a bhí sa ghníomh a bhí déanta aici. Deimhníodh gur seoladh litreacha i mBéarla amach ach mhaígh an Chomhairle nach cumarsáid a bhí i gceist a thiofadh faoi bhrí fho-alt 9(3) den Acht, mar nach raibh sé mar sprioc aici faisnéis a thabhairt agus nach leis an bpobal i gcoitinne ná le haicme den phobal i gcoitinne a bhí an chumarsáid. Dúradh gurbh é sprioc na cumarsáide ná íocaíocht an Mhuirir Teaghlaigh a lorg ó dhaoine ainmnithe ag seoltaí ar leith.

Chonacthas don imscrúdú go raibh sé mar aidhm shoiléir ag an gcumarsáid faisnéis a sholáthar agus gur tugadh faisnéis inti, *inter alia*, faoi mhéid na híocaíochta a bhí i gceist, na pionóis bhreise a bheadh i gceist mura n-íocfaí an tsuim sin, faoin reachtaíocht ba bhonn leis an Muirear Teaghlaigh, faoi thúsdháta feidhmithe na forála sin, faoi úsáid seoltaí, faoi chearta ar dhíolúine ón muirear agus na céimeanna ba cheart a thógáil leis an díolúine sin a éileamh. Tugadh breis faisnéise faoi shonraí teagmhála leis an muirear a íoc nó le tuilleadh eolais a fháil. Chinn an t-imscrúdú gur “faisnéis” a bhí á soláthar sa chumarsáid seo chun críche fho-alt 9(3) d'Acht na dTeangacha Oifigiúla, faoi na rialacha forléirithe atá aitheanta sa dlí. Ba chinnte go raibh sé i gceist ag an gComhairle daoine a spreagadh leis an Muirear Teaghlaigh a íoc, agus dá réir sin ba é a bhí sa chumarsáid i scríbhinn ná faisnéis ghinearálta i leith an ábhair seo.

Mhaígh an Chomhairle freisin nach raibh an chumarsáid seo á déanamh leis an bpobal i gcoitinne ná le haicme den phobal i gcoitinne, ach gur litreacha aonair chuig daoine ag seoltaí faoi leith a bhí i gceist.

Kildare County Council

An investigation found that Kildare County Council failed to comply with the statutory language obligations confirmed in subsection 9(3) of the Official Languages Act when it wrote in English to c. 26,000 people in Kildare in relation to the Household Charge.

A complaint was made to the Office of An Coimisinéir Teanga that Kildare County Council wrote in English to people throughout the county in October 2012, to provide them with information about the Household Charge. The complainant was of the opinion that the Council should have sent him an Irish or bilingual version of the letter under the provisions of the Official Languages Act.

Subsection 9(3) of the Act obliges public bodies to ensure that information communicated by them in writing or by e-mail to the general public or to a class of the general public should be in Irish, or in English and Irish:

“Where a public body communicates in writing or by electronic mail with the general public or a class of the general public for the purpose of furnishing information to the public or the class, the body shall ensure that the communication is in the Irish language or in the English and Irish languages.”

The Office attempted to resolve the matter informally with the County Council, but those efforts did not reach a successful conclusion.

The Council did not accept that its action was in breach of subsection 9(3) of the Act. It confirmed that letters had issued in English, but claimed that these were not communications of the type covered by subsection 9(3), as providing information was not the aim of the communication and as it had not been issued to the general public or to a class of the general public. The Council maintained that the objective of the communication was to seek the payment of the Household Charge from named persons at specific addresses.

The investigation believed that the clear objective of the communication was to furnish information, as it contained information about the amount of the charge, the additional penalties for late payment, about the legislation under which the charge was being levied, about the commencement date of this provision, about the use of addresses and how addresses had been recorded, and about the right to exemptions and the steps necessary to seek exemptions, as well as contact details in relation to payments or to seek further information. What was being furnished was “information” for the purposes of subsection 9(3) of the Official Languages Act in accordance with the rules of interpretation as recognised in law. Certainly, it was the Council’s aim to encourage people to pay the Household Charge and the written communication contained general information towards that objective.

The Council also maintained that it was not communicating with the public in general or with a class of the public in general, but that these were individual letters to people at specific addresses.

Chinn an t-imscrúdú go raibh an Chomhairle mar chomhlacht poiblí i mbun cumarsáide sa chás seo le haicme den phobal i gcoitinne mar gur eisíodh 26,000 litir nó mír chumarsáide ón gComhairle Contae agus an bhunteachtairacht nó an buntéacs ceannann céanna i ngach litir acu seo, agus síniú clóite ar na litreacha. Lasmuigh d'ainm agus seoladh, ní raibh aon sonraí pearsanta in aon cheann de na 26,000 litir a dhéanadh idirdhealú ar leith idir na litreacha “*aonair*” sin, mar shampla méid ar leith a bhí le hóc i gcás an duine sin, nó eile. B'fhaisnéis choitianta í a bhí comónta i ngach litir faoin muirear, pionóis, díolúine, bealaí íoctha agus eile. Níor ghlac an t-imscrúdú leis gur leor ainm agus seoladh faoi leith a bheith ar gach litir le “*litir phearsanta*” a dhéanamh de chor poist.

Chinn an t-imscrúdú gurb é cuspóir na cumarsáide faisnéis a thabhairt d'aicme den phobal i gcoitinne faoi ghné den phróiseas a bhain leis an Muirear Teaghlaigh, agus rinneadh sraith moltaí le géilliúlacht a chinntiú do na dualgais reachtúla teanga atá daingnithe sa réimse seo, i bhfo-alt 9(3) den Acht.

Imscrúdú seolta: an 8 Samhain, 2012

Tuarascáil eisithe: an 21 Nollaig, 2012

Comhairle Contae na Gaillimhe

Rinneadh cinneadh scor d'imscrúdú nuair a cuireadh grianghraif ar fáil lenar dearbhaíodh go raibh obair cheartúcháin déanta ar chomharthaí tráchtá ag Comhairle Contae na Gaillimhe – comharthaí nach raibh ag teacht leis na dualgais reachtúla teanga.

D'eascair an t-imscrúdú as gearán go raibh an leagan neamhoifigiúil Béarla de logainm Gaeltachta in úsáid ar chomharthaí bóthair áirithe de chuid na Comhairle. Theip ar iarrachtaí Oifig an Choimisinéara Teanga réiteach a fháil ar an ngearán leis an gComhairle tríd an bpróiseas neamhfhoirmiúil réitithe gearán, agus b'éigean tabhairt faoi imscrúdú foirmiúil.

Tá an dualgas reachtúil i dtaca leis an leagan Gaeilge amháin de logainmneacha Gaeltachta a úsáid ar chomharthaí bóthair daingnithe i bhfo-alt 33(2)(c) d'Acht na dTeangacha Oifigiúla, mar a ndearbhaítear nach mbeidh feidhm ná éifeacht a thuilleadh leis an leagan Béarla den logainm ón uair a dhéanfaidh an tAire dearbhú faoi alt 32 i leith logainm i limistéar Gaeltachta. Bhí a leithéid de dhearbú déanta ag an Aire sa chás áirithe seo.

Ba chás leis an ngearánach go raibh an cheist seo pléite leis an gComhairle le linn na bliana 2010, gur ceartaíodh seanchomharthaí ag an am agus gur cuireadh an leagan oifigiúil Gaeilge den logainm Gaeltachta in úsáid. B'ábhar iontais dó, mar sin, a fheiceáil go raibh comharthaí úrnua breise curtha in airde agus iad ag teacht salach ar an dualgas reachtúil.

Thug an Chomhairle Contae dearbhú go raibh na comharthaí úrnua leasaithe, agus nuair a cuireadh grianghraif de na comharthaí ceartaithe ar fáil, scoireadh den imscrúdú mar nach raibh sárú ar dhualgas reachtúil teanga i gceist a thuilleadh.

Imscrúdú seolta: an 22 Samhain, 2011

Imscrúdú scortha: an 15 Feabhra, 2012

The investigation found that the Council as a public body was in communication in this case with a class of the public in general, due to the fact that 26,000 letters or communications issued from the County Council with the same basic message or text with a generic signature. Apart from the name and address, there was no personal information in any one of the 26,000 letters which would distinguish them apart as individual letters, as for example, the amount of the charge still to be paid by that individual, etc. It was standard information which was shared alike in all letters concerning the charge, penalties, exemptions, payment methods, etc. The investigation did not accept that a different name and address on each letter was sufficient to make a “*personal letter*” of a mail shot.

The investigation found that the objective of the communication was to furnish information to a class of the general public about aspects of the process of the Household Charge, and a series of recommendations were made to ensure future compliance with the statutory language obligations that are confirmed in respect of this matter in subsection 9(3) of the Act.

Investigation launched: 8 November 2012

Report issued: 21 December 2012

Galway County Council

An investigation was discontinued when photographs were submitted showing that amendments had been made by Galway County Council to road signs which were not in compliance with statutory language obligations.

The investigation arose from a complaint that the unofficial English version of a Gaeltacht placename was in use by Galway County Council on certain road signs. Efforts to resolve the issue by the informal complaints resolution mechanism operated by the Office of An Coimisinéir Teanga failed, and a formal investigation ensued.

The statutory obligation in relation to the use of official Irish versions of Gaeltacht placenames on road signs is contained in subsection 33(2)(c) of the Official Languages Act where it states that the English version of placenames will no longer have any force and effect once the Irish version of the placename has been confirmed by the Minister under section 32 of the Act. Such a confirmation had been made by the Minister in this instance.

The complainant was concerned that the Council had already dealt with this issue in 2010 and that old signs had already been modified with the official Irish language version of the Gaeltacht placename in use. He was surprised to find additional new signs put in place which were not in compliance with the statutory language requirements.

The Council confirmed that the additional new signs had been modified, and when photographs were submitted in support of this, the investigation was discontinued as there was no longer a breach of a statutory language obligation to be resolved.

Investigation launched: 22 November 2011

Investigation discontinued: 15 February 2012

Comhairle Contae Dhún na nGall

Léirigh imscrúdú gur sháraigh Comhairle Contae Dhún na nGall an dualgas reachtúil teanga atá daingnithe i bhfo-alt 9(3) d'Acht na dTeangacha Oifigiúla agus í i mbun cumarsáide trí Bhéarla le c. 30,000 duine i nDún na nGall i dtaca leis an Muirear Teaghlaigh, agus gur sháraigh sí fo-alt 18(1) i dtaca le mír 4.10 dá scéim teanga reachtúil nuair a d'úsáid sí leaganacha Béarla de sheoltaí Gaeltachta agus í i mbun na cumarsáide sin.

Rinne daoine éagsúla den phobal gearáin le hOifig an Choimisinéara Teanga gur i mBéarla amháin a bhí an chumarsáid i scríbhinn a rinne Comhairle Contae Dhún na nGall leo i litreacha dar dáta an 8 Deireadh Fómhair, 2012 maidir le hÍocaíocht an Mhuirir Teaghlaigh. Bhí na gearánaigh den bharúil gur cheart go mbeadh leagan Gaeilge nó dátheangach de litir na Comhairle seolta chucu de réir fhorálacha Acht na dTeangacha Oifigiúla.

Leagann fo-alt 9(3) d'Acht na dTeangacha Oifigiúla dualgas ar chomhlachtaí poiblí a chinntiú gur i nGaeilge, nó i mBéarla agus i nGaeilge, a bheidh cumarsáid faisnéise i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne.

"I gcás ina ndéanfaidh comhlacht poiblí cumarsáid i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne chun faisnéis a thabhairt don phobal nó don aicme, cinnteoidh an comhlacht gur i nGaeilge, nó i mBéarla agus i nGaeilge, a bheidh an chumarsáid."

Anuas air sin, thug roinnt de na gearánaigh le fios gur seoladh an chumarsáid seo chucu le leagan Béarla dá seoladh, cé go bhfuil cónaí orthu i gceantar Gaeltachta. Tá foráil i scéim teanga reachtúil na Comhairle lena leagtar dualgais ar an eagraíocht i dtaca le húsáid logainmneacha Gaeltachta.

Is mar seo a leanas atá an fhoráil sin:

"4.10 Logainmneacha (Scéim 2010) Sa bhreis ar na riachtanais reachtúla faoin Ordú Logainmneacha (Ceantair Ghaeltachta) 2004, leanfaidh Údarás Áitiúla Dhún na nGall de bheith ag cur chun cinn úsáid na leaganacha Gaeilge de logainmneacha Gaeltachta thar réimsí oibre agus gníomhaíochtaí nach bhfuil leagtha síos go sonrach san Ordú (ms bunachair shonraí, post, srl)

Leanfaidh Údarás Áitiúla Dhún na nGall de bheith ag spreagadh na foirne le húsáid níos mó a bhaint as leaganacha Gaeilge de logainmneacha taobh amuigh den Ghaeltacht...."

Foráiltear i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla go bhfuil dualgas ar chomhlacht poiblí na gealltanais atá daingnithe i scéim teanga a chur i gcrích. Rinne an Oifig iarracht an cás seo a réiteach ar bhonn neamhfhoirmiúil leis an gComhairle Contae ach níor éirigh leis an iarracht sin réiteach cuí a aimsiú.

Níor ghlac an Chomhairle leis gur sárú ar fho-alt 9(3) d'Acht na dTeangacha Oifigiúla a bhí sa ghníomh a bhí déanta aici. Deimhníodh gur seoladh litreacha i mBéarla amach ach mhaígh an Chomhairle nach cumarsáid a bhí i gceist a thiocfadh faoi bhrí fho-alt 9(3) den Acht. Mar chúlra, thug an Chomhairle le fios gur scaipeadh post poiblíochta faoin

Donegal County Council

An investigation found that Donegal County Council failed to comply with the statutory language obligations confirmed in subsection 9(3) of the Official Languages Act when it wrote in English to 30,000 people in Donegal in relation to the Household Charge. In issuing that communication it also failed to comply with subsection 18(1) of the same Act in regard to section 4.10 of its statutory language scheme when it used English versions of Gaeltacht placenames in addresses.

Various members of the public complained to the Office of An Coimisinéir Teanga that letters they received from Donegal County Council in relation to the Household Charge on 8 October 2012 were in English only. They believed such communications from the Council should be in Irish or bilingual in accordance with the provisions of the Official Languages Act.

Subsection 9(3) of the Act requires that information from a public body communicated by post or e-mail to the general public or to a class of the general public should be in Irish or bilingual (Irish and English):

"Where a public body communicates in writing or by electronic mail with the general public or a class of the general public for the purpose of furnishing information to the public or the class, the body shall ensure that the communication is in the Irish language or in the English and Irish languages."

In addition, some complainants said that the communication had been sent to them with their addresses in English although they lived in the Gaeltacht. A provision in the Council's statutory language scheme requires it to use official Irish versions of Gaeltacht placenames.

The clause provides as follows:

"4.10 Placenames (scheme 2010) In addition to the statutory requirements of An tOrdú Logainmneacha (Ceantair Ghaeltachta) 2004, Donegal Local Authorities will continue to promote the use of the Irish language versions of Gaeltacht placenames across areas of work and activities not specifically referred to in the Order (e.g. databases, mail etc).

Donegal Local Authorities will continue to encourage staff to make greater use of the Irish version of placenames outside the Gaeltacht...."

Subsection 18(1) of the Official Languages Act requires a public body to proceed to carry out the commitments confirmed in a language scheme. The Office attempted to resolve the matter informally with Donegal County Council but those efforts failed to reach a successful conclusion.

The Council did not accept that its action was in breach of subsection 9(3) of the Act. It confirmed it had issued the letters in English, but it claimed that these were not communications of the type covered by subsection 9(3). As background, the Council explained that it had issued publicity post in relation to the Household Charge to the public in general in the county earlier in the year and that this communication had been in Irish and English.

Muirear Teaghlaigh ar gach sealbhóir tí sa Chontae níos luaithe sa bhliain, agus gur eisíodh na bileoga seo chuig an bpobal i gcoitinne, i nGaeilge agus i mBéarla.

Thug an Chomhairle le fios gur faoin nGníomhaireacht Bainistíochta Rialtais Áitiúil (GBRÁ) a bhí sé taifeadadh a dhéanamh ar na híocaíochtaí a fuarthas i dtaca leis an Muirear Teaghlaigh agus iad a choinneáil ar bhunachar sonraí náisiúnta. Dúradh go raibh sé de chumhacht ag na húdaráis áitiúla, agus iad ag cur a gcuid dualgas i bhfeidhm faoin Acht, teacht a bheith acu ar thaifid a bhí á gcoinneáil ag comhlachtaí poiblí eile. Faoin bhforáil seo, chuir an tÚdaráis Clárúcháin Maoine (ÚCM) bunachar sonraí de mhaoine cláraithe sa chontae ar fáil don GBRÁ a bhí ag feidhmiú thar ceann na n-údaráis áitiúil.

Ag tagairt don chumarsáid a eisíodh ar an 8 Deireadh Fómhair, 2012, dúirt an Chomhairle gur chuig daoine ainmnithe ar leith a cuireadh an t-eolas, a bhain go sonrach le gach duine aonair, mar seo a leanas:

- Ainm agus seoladh de réir na dtaifead ón ÚCM;
- Beannú do dhuine ainmnithe;
- Seoladh na maoine cláraithe (tugtha laistigh de chéadpharagraf na litreach);
- Uimhir thagartha ar leith, uathúil a bhain leis an gcás sin.

Maidir leis an gcás go raibh fo-alt 9(3) d'Acht na dTeangacha Oifigiúla á shárú sa chás seo ag an gComhairle, d'áitigh an Chomhairle nach cumarsáidí "leis an bpobal i gcoitinne" ná "le haicme den phobal i gcoitinne" a bhí sna fógraí a eisíodh ach gur fógraí chuig sealbhóirí tí sonraithe a bhí i gceist, agus ar an mbonn sin, nach ndearnadh sárú ar fho-alt 9(3).

Maidir leis na seoltaí poist ar seoladh an chumarsáid chucu, dúradh go raibh na seoltaí a úsáideadh sna fógraí seo go díreach mar a bhí siad taifeadta ag an ÚCM agus go bhféadfaí iad seo a thaifeadadh i nGaeilge nó i mBéarla. Mhaígh siad nach raibh aon smacht ag an gComhairle ar an dóigh ar cláraíodh na maoine leis an ÚCM agus nach mbeadh sé praiticiúil 30,000 seoladh a aistriú ina gceann agus ina gceann. Mhaígh an Chomhairle, lena chois sin, go dtiocfadh taifid an ÚCM ar an gcéad dul síos ó úinéirí cláraithe na maoine nó ó na n-ionadaí dlíthiúil, agus mar sin go raibh an dóigh ar taifeadadh an t-ainm agus an seoladh, i nGaeilge nó i mBéarla, taobh amuigh de chúram Chomhairle Contae Dhún na nGall lena n-athrú. D'áitigh an Chomhairle, ar an mbonn sin, nár sáraíodh forálacha Scéim Teanga Údaráis Áitiúla Dhún na nGall.

Chreid an t-imscrúdú go raibh sé mar aidhm shoiléir ag an gcumarsáid seo faisnéis a sholáthar mar gur thug sí faisnéis faoi mhéid na híocaíochta a bhí i gceist agus na pionóis bhreise a bheadh i gceist mura n-íocfaí an tsuim sin; faoin reachtaíocht ba bhonn leis an Muirear Teaghlaigh agus le tús dháta feidhmithe na forála sin; faoi úsáid seoltaí agus faoi na bealaí a raibh taifead déanta ar sheoltaí; faoi chearta ar dhíolúine ón muirear agus na céimeanna ba chearta a thógáil leis an díolúine sin a éileamh; agus faoi shonraí teagmhála leis an muirear a íoc nó tuilleadh eolais a fháil. Ba "faisnéis" a bhí á sholáthar sa chumarsáid seo chun críche fho-alt 9(3) d'Acht na dTeangacha Oifigiúla faoi na rialacha forléirithe atá aitheanta sa dlí.

Mar sin, ó tharla gur cumarsáid faisnéise a bhí eisithe i scríbhinn sa phost ag comhlacht stáit faoi scáth an Achta, ba léir gur ghá go mbeadh sé i nGaeilge nó dátheangach fad is gur chuig an bpobal i gcoitinne nó chuig aicme den phobal i gcoitinne a eisíodh é. Ba ar an bpointe sin a bhí cás na

The Council said that responsibility for recording the payment of the Household Charge rested with the Local Government Management Agency (LGMA), who maintained a national database. Local authorities, in compliance with the legislation involved, were allowed to access records held by other public bodies. Under this provision, the Property Registration Authority (PRA) provided a database of registered properties in the county to the LGMA which was acting on behalf of the local authorities.

Referring to the communication issued on 8 October 2012, the Council argued that the material had been sent to named individuals and that it applied to each specific individual as follows:

- Name and address in accordance with the records held by the PRA;
- A greeting to the named individual;
- The address of the registered property (within the first paragraph of the letter);
- A reference number, specific to this case.

With reference to a breach of subsection 9(3) of the Official Languages Act, the Council maintained that the communication was not with "the public in general" or with "a class of the public in general", but was a notice to specific householders and on that basis that subsection 9(3) was not breached.

In relation to the addresses used for the communication, it maintained that the addresses were the same as those recorded by the PRA and that they may have been recorded in either Irish or in English. The Council held that it had no control over how property had been registered and that it would be impractical to individually translate 30,000 addresses. The Council also argued that the PRA records would have come originally from the owners of the registered property or their legal representatives and that the way in which they might have been recorded in Irish or English was not within the control of Donegal County Council. The Council maintained on that basis that it was not in breach of the commitments in its statutory language scheme.

The investigation believed that the clear objective of the communication was to furnish information, as it contained details about the amount of the charge, the additional penalties for late payment, the legislation under which the charge was being implemented, the commencement date of this provision, the use of addresses and how addresses had been recorded, the right to exemptions and the steps necessary to seek exemptions, as well as contact details in relation to payments or to seek further information. What was being furnished was "information" for the purposes of subsection 9(3) of the Official Languages Act in accordance with the rules of interpretation as recognised in law.

Since the communication was issued by a public body under the Act for the purpose of furnishing information, it should have been in Irish or bilingual if the communication was with the public in general or a class of the public in general. The County Council's case hinged on that point – it maintained that the notice was to specific householders rather than to the public in general or a class of the public in general.

Comhairle Contae bunaithe – mhaígh sí gur fógraí chuig sealbhóirí tí sonraithe a bhí i gceist seachas litreacha chuig an bpobal i gcoitinne nó chuig aicme den phobal i gcoitinne.

Níor ghlac an t-imscrúdú leis gur leor ainm, uimhir thagartha agus seoltaí éagsúla a bheith ar gach litir le *“fógraí chuig sealbhóirí tí sonraithe”* a dhéanamh de chor poist sa chás gur eisíodh 30,000 litir nó mír chumarsáide ón gComhairle Contae agus an bhunteachtairacht nó an buntéacs ceannann céanna i ngach litir acu, agus síniú clóite ar na litreacha. Lasmuigh d’ainm, uimhir thagartha agus seoladh, ní raibh aon sonraí pearsanta in aon cheann de na 30,000 litir a dhéanadh idirdhealú ar leith idir na litreacha “aonair” sin, mar shampla méid ar leith a bhí le díol go fóill i gcás an duine sin, nó eile. Is faisnéis choitianta a bhí comónta i ngach litir faoin muirear, pionóis, díolúine, bealaí íoctha agus eile. Ba mheicníocht seachadta a bhí san ainm, uimhir thagartha agus seoladh agus níor leor an difríocht sin le litir phearsanta a dhéanamh den bhunfhaisnéis chéanna a bhí á dáileadh ar 30,000 duine a raibh ceangal comónta eatarthu de réir shlata tomhais na Comhairle Contae – mar aicme den phobal i gcoitinne de dhaoine ar cheart faisnéis ar leith faoin Muirear Teaghlaigh a sheoladh chucu.

Maidir leis an ngealltanas a bhí tugtha ag an gComhairle Contae ina scéim teanga i dtaobh úsáid leaganacha Gaeilge de logainmneacha na Gaeltachta, níor ghéill an t-imscrúdú do sheasamh na Comhairle mar go raibh gealltanas na Comhairle sa scéim soiléir fad is a bhain sé le logainmneacha Gaeltachta i mbunachair sonraí agus i bpostas agus nach raibh sé coinníollach ar fhoinse an eolais do na bunachair sonraí nó liostaí postais sin. Bhí ceangal dlíthiúil orthu an liosta sin a chur in oiriúint don ghealltanas reachtúil ina scéim teanga fad is a bhain sé le logainmneacha Gaeltachta.

Ní raibh aon amhras ar an imscrúdú ach gur sárú a bhí ann ar dhualgais reachtúla teanga na Comhairle Contae logainmneacha i mBéarla a úsáid faoi choinne seoltaí Gaeltachta.

B’ábhar iontais don imscrúdú nach raibh i seilbh na Comhairle ach cóipeanna de dhá ríomhphost inmheánacha a bhain leis an gcinneadh a rinneadh gan leagan Gaeilge den chumarsáid i dtaca leis an Muirear Teaghlaigh a eisiúint. Dhearbhaigh an Chomhairle nach raibh aon taifead scríofa breise ar fáil taobh amuigh den dá ríomhphost seo agus nárbh ann d’aon taifead ar aon phlé nó díospóireacht faoi na toisí teanga a bhain leis an gcás seo nó le ceist na teanga a mheá sa phróiseas.

I gcontae ina bhfuil limistéar mór Gaeltachta, is aisteach an rud é a laghad meá a rinneadh ag leibhéal feidhmeannais sa Chomhairle Contae maidir le húsáid na Gaeilge sna gnóthaí seo, go háirithe i gcás teagmháil a bheith á déanamh le haicme mhór (30,000 teaghlach) den phobal i gcoitinne agus líon suntasach acu sin sa Ghaeltacht.

Ábhar imní don imscrúdú ba ea é a cheapadh go mbeadh cás na teanga chomh híseal sin ar an gclár oibre nach mbeadh de thaifead iomlán ag an gComhairle faoi chinneadh polasaí aonteacha Béarla a chur chun cinn sa ghnó áirithe seo ach dhá ríomhphost – a d’eascair as teagmháil le hOifig an Choimisinéara Teanga.

Rinneadh sraith moltaí de thoradh an imscrúdaithe le cinntiú nach dtarlóidh aon sárú feasta ar na dualgais reachtúla teanga a bhí i gceist anseo.

Imscrúdú seolta: an 26 Deireadh Fómhair, 2012

Tuarascáil eisithe: an 28 Nollaig, 2012

The investigation did not accept that the inclusion of a name, reference number and different addresses was sufficient to create a *“notice to specific householders”* from what was in essence a mailshot from the County Council with the exact same message or text sent to 30,000 households and with a generic signature on that communication. Apart from the name, reference number and address, there was no personal information in the 30,000 letters which would distinguish them apart as individual letters, as for example, the amount of the charge still to be paid by that individual, etc. It was standard information which was shared alike in all letters concerning the charge, penalties, exemptions, payment methods, etc. The name, address and reference numbers were merely a delivery mechanism and were insufficient to create personal letters from the same basic shared information sent to 30,000 people who had a common connection, as a class of the public in general, and who satisfied a specific criterion set down by the County Council as people who ought to have information about the Household Charge issued to them.

In relation to the commitment given by the County Council in its language scheme regarding the use of the Irish version of Gaeltacht placenames, the investigation did not concur with the Council’s interpretation as a very precise commitment was given in the scheme in relation to the use of Gaeltacht placenames in databases and for postal purposes and there was no condition attached in relation to the source of the databases or postal lists. There was a statutory obligation to amend the lists in relation to Gaeltacht placenames to comply with the statutory commitment in the language scheme.

The investigation was in no doubt that it was a breach of the County Council’s statutory language obligations to use English versions of placenames for Gaeltacht addresses.

It was a matter of some surprise to the investigation that only two internal e-mails existed as records within the Council as regards the decision not to issue an Irish version of this communication in relation to the Household Charge. The Council confirmed that it had no further written records apart from those two e-mails and that it had no record of any debate or discussion about the language dimension nor any evaluation of the question of language as part of this process.

In a county with such a large Gaeltacht area, it appeared strange that so little consideration was devoted at executive level in the County Council to the issue of the use of Irish in this case, particularly when communicating with a large class (30,000) of the public in general, a significant number of whom lived in the Gaeltacht.

It was a matter of concern to the investigation to find that the language issue was so low on the agenda that the only record held by the Council in relation to this unilingual policy decision were two e-mails which arose from contact with the Office of An Coimisinéir Teanga.

The investigation made a series of recommendations to ensure compliance with these statutory language obligations in future.

Investigation commenced: 26 October 2012

Report issued: 28 December 2012

Coiste Gairmoideachais Chontae Bhaile Átha Cliath

Rinneadh cinneadh scor d'imscrúdú nuair a tugadh dearbhuithe ar leith a chinnteodh go mbeadh an dualgas teanga a bhí ina ábhar amhrais á chomhlíonadh go cuí ag Coiste Gairmoideachais Chontae Bhaile Átha Cliath.

D'eascair an t-imscrúdú as iniúchadh a bhí ar bun ag Oifig an Choimisinéara Teanga mar chuid dá feidhm faireacháin ar chur i bhfeidhm scéim teanga an Choiste, a tháinig i bhfeidhm ar an 1 Deireadh Fómhair, 2008. Tháinig sé chun solais le linn an phróisis iniúchta go raibh córas nua idirghníomhach rollúcháin don Oideachas Aosach agus cúrsaí IAT (PLC) curtha i bhfeidhm le linn thréimhse na scéime, agus nach raibh leagan Gaeilge curtha ar fáil, ainneoin gur gealladh sa scéim teanga go mbeadh. Rinne Oifig an Choimisinéara Teanga gach iarracht an cheist seo a réiteach leis an gCoiste le linn an phróisis iniúchta, ach níor éirigh leis na hiarrachtaí sin.

Tar éis don imscrúdú a bheith seolta, fuarthas litir ón gCoiste Gairmoideachais ag iarraidh go gcuirfí an t-imscrúdú ar scor mar go raibh sé i gceist ag an gCoiste comhoibriú go hiomlán leis. Cuireadh an t-imscrúdú ar leataobh ar feadh trí mhí le deis a thabhairt don Choiste beart a dhéanamh de réir briathair.

I bhfianaise na litreach a cuireadh ar fáil don imscrúdú agus na tuairisce a cuireadh ar fáil in éineacht léi i mí Dheireadh Fómhair, inar dearbhaíodh go raibh an leagan Gaeilge den tseirbhís idirghníomhach ar fáil, rinneadh cinneadh an t-imscrúdú a scor.

Imscrúdú seolta: an 10 Bealtaine, 2012

Imscrúdú scortha: an 14 Samhain, 2012

Banc Ceannais na hÉireann

Léirigh imscrúdú gur sháraigh Banc Ceannais na hÉireann an dualgas reachtúil teanga atá daingnithe in alt 9 d'Acht na dTeangacha Oifigiúla agus é i mbun cumarsáide leis an ngearánach ainmnithe den tríú huair as a chéile i gcás iarratas a rinneadh ar bhoinn chomórtha a cheannach.

Rinne duine gearán leis an Oifig i mí Dheireadh Fómhair, 2012 gur eisigh Banc Ceannais na hÉireann freagra i mBéarla arís chuige mar fhreagra ar iarratas i nGaeilge ar bhoinn chomórtha a cheannach. Rinneadh seo d'ainneoin gealltanais i scríbhinn a bheith tugtha ag an mBanc d'Oifig an Choimisinéara Teanga de thoradh gearáin eile ón gcliant céanna go raibh córas curtha i bhfeidhm a chinnteodh nach dtarlódh a leithéid arís. Rinneadh gearán chomh maith nach raibh ceannuideal stáiseanóireachta an Bhainc ag teacht leis na Rialacháin i leith stáiseanóireachta faoi fho-alt 9(1) den Acht.

County Dublin Vocational Education Committee

A decision was made to discontinue an investigation when County Dublin Vocational Education Committee confirmed that it would comply with the language obligations which were the subject of the investigation.

The investigation arose from an audit in relation to the implementation of the VEC's language scheme, which came into force on 1 October 2008. The audit was undertaken by the Office of An Coimisinéir Teanga as part of its monitoring function. It came to light during the audit process that a new interactive enrolment system for adult education and for the PLC courses had come into use during the period of the scheme, but no Irish version had been made available, contrary to what had been agreed in the scheme. The Office of An Coimisinéir Teanga made every effort to resolve this matter with the VEC during the audit process, but these efforts were unsuccessful.

Following the launch of the investigation, a letter was received from the VEC asking that the investigation be discontinued as the Committee intended to cooperate fully. The investigation was postponed for three months to allow the Committee to take the corrective action as promised.

In light of a letter and report confirming that the Irish version of the interactive service was available, which the investigation received from the VEC in October, it was decided to discontinue the investigation.

Investigation launched: 10 May 2012

Investigation discontinued: 14 November 2012

Central Bank of Ireland

An investigation found that the Central Bank of Ireland breached the statutory language obligation set out in section 9 of the Official Languages Act for the third time in succession when communicating with the named complainant with regard to an application to purchase commemorative coins.

An individual complained to the Office in October 2012 that the Central Bank of Ireland had once more issued a response in English to him in reply to his application in Irish to purchase a commemorative coin. This had occurred despite the fact that, as a result of a previous complaint by the same individual, a written assurance had been provided by the Bank to the Office of An Coimisinéir Teanga that a system had been put in place to ensure that this breach would not reoccur. A complaint was also made that the Bank's headings of stationery were not in compliance with the Regulations in respect of use of official languages in stationery issued under subsection 9(1) of the Act.

Seo a leanas mar atá fo-alt 9(2) den Acht:

“I gcás ina ndéanfaidh duine cumarsáid i dteanga oifigiúil le comhlacht poiblí, i scríbhinn nó leis an bpost leictreonach, freagróidh an comhlacht poiblí sa teanga chéanna.”

Sa fhreagra ó Bhanc Ceannais na hÉireann, ghlac an Banc leis gur sháraigh sé fo-alt 9(2) sa chás seo.

Mar chúlra, thug an Banc le fios nach mbíonn, go hiondúil, ach tuairim is 10,000 foireann bonn i gceist gach uair a eisítear boinn inbhailithe. I gcás bhoinn chomórtha Mhichíl Uí Choileáin, áfach, eisíodh tuairim is 26,000 foireann bonn agus ceannaíodh a bhformhór sin laistigh de cheithre seachtaine. Chuir an Banc in iúl nár leor acmhainní Aonad na mBonn Inbhailithe chun déileáil le líon na n-iarratas a bhí ag teacht isteach agus gur méadaíodh líon na foirne ar bhonn sealadach trí chomhaltaí foirne a aistriú ó aonaid eile chun dul i ngleic leis an éileamh.

Mhínigh an Banc nach raibh ar chumas an chórais uathoibríoch atá i bhfeidhm idirdhealú a dhéanamh idir iarratais i nGaeilge agus i mBéarla agus go raibh nós imeachta i bhfeidhm ó 2010 chun orduithe i nGaeilge a phróiseáil, mar aon le cainteoirí Gaeilge a bheith ar fáil chun déileáil le horduithe a fhaightear ar an teileafón.

Aistríodh suas le 15 chomhalta foirne ó aonaid eile den Lárionad Airgeadra chuig Aonad na mBonn Inbhailithe chun cuidiú le próiseáil, pacáistiú agus seachadadh na mbonn a ordaíodh. Cuireadh fógraí in airde i spás oibre Aonad na mBonn Inbhailithe chun dualgais na gcomhaltaí foirne i dtaca le horduithe Gaeilge a mheabhrú dóibh agus le cinntiú go bhfreagrófaí cumarsáid i nGaeilge i scríbhinn sa teanga chéanna sin.

Dúirt an Banc go ndearnadh botún i gcás an ghearánaigh in ainneoin na mbearta a glacadh i ndáil le horduithe Gaeilge, agus gurb é ba *“chionsiocair leis an mbotún seo, an mórdhúshlán riaracháin a bhí ann d’Aonad na mBonn Inbhailithe chun orduithe a phróiseáil agus a sheachadadh ar mhodh tráthúil, éifeachtach, faoi leibhéil éilimh gan fasach.”*

Léirigh an Banc go raibh bearta glactha aige chun aghaidh a thabhairt ar na saincheistanna a tháinig chun cinn sa chás seo.

Maidir leis an mbileog dheamhaine a eisíodh chuig an ngearánach, cuireadh in iúl go raibh bearta glactha ag an mBanc chun a chinntiú go raibh a stáiseanóireacht ag comhlíonadh na ndualgas reachtúil teanga, agus gur glacadh bearta breise de bhun an ghearáin seo. Dearbhaíodh go raibh duillín deamhaine an Bhainc dátheangach go hiomlán anois i gcomhréir le fo-alt 9(1). Dhearbhaigh an Banc gur chúis aiféala dó an gearán seo.

Imscrúdú seolta: an 8 Samhain, 2012

Tuarascáil eisithe: an 21 Nollaig, 2012

Subsection 9(2) of the Act is as follows:

“Where a person communicates in writing or by electronic mail in an official language with a public body, the public body shall reply in the same language.”

The Central Bank accepted in its response that it had breached subsection 9(2) in this instance.

As background, the Bank explained that normally there are about 10,000 coin sets involved in each issue of collector coins. In the case of the Michael Collins commemorative coin, however, about 26,000 coin sets issued and most of these were purchased in a four week period. The Bank advised that the Collector Coin Unit had insufficient resources to deal with the volume of incoming requests and that staff numbers were increased on a temporary basis by transferring staff members from other units to deal with the demand.

The Bank explained that the automated system which was in use was unable to differentiate between requests in Irish and English and that a procedure was in place since 2010 to process orders in Irish, in addition to Irish speakers being available to deal with phone orders.

Up to 15 members of staff had been transferred from other units of the Currency Centre to the Collector Coin Unit to assist with the processing, packaging and issuing of the coins which were ordered. Signs were erected in the Collector Coin Unit’s workspace to remind staff of their obligations in respect of Irish language requests and to ensure that communications in Irish would be replied to in that same language.

The Bank stated that a mistake had been made in the complainant’s case, despite the steps taken by the Bank in respect of applications in the Irish language, and that the *“reason for this mistake was the huge administrative challenge to the Collector Coin Unit to process and dispatch orders in a timely fashion despite unprecedented levels of demand”* (trans.).

The Bank demonstrated that it had taken steps to address the issues which had arisen in this case.

As regards the compliments slip which issued to the complainant, the Bank explained that steps had been taken to ensure that its stationery was in compliance with the statutory language obligations, and that further steps had been taken as a result of this complaint. It was confirmed that the Bank’s compliments slip was now fully bilingual in accordance with subsection 9(1). The Bank expressed its regret that the complaint had arisen.

Investigation launched: 8 November 2012

Report issued: 21 December 2012

CÚRSAÍ AIRGEADAIS

Cuireadh buiséad €650,000 ar fáil don Oifig don bhliain 2012 ach níor tarraingíodh anuas ach €606,784 den airgead sin.

Tá cuntais na hOifige don bhliain 2012 ullmhaithe don Ard-Reachtaire Cuntas agus Ciste lena n-íniúchadh de réir fho-alt 8(2) den Dara Sceideal d'Acht na dTeangacha Oifigiúla, 2003.

A luaite agus is féidir tar éis an iniúchta, déanfaidh an Coimisinéir Teanga cóip de na cuntais sin, nó de cibé sleachta as na cuntais sin a shonróidh an tAire Ealaíon, Oidhreacht agus Gaeltachta, mar aon le tuarascáil an Ard-Reachtaire Cuntas agus Ciste maidir leis na cuntais, a chur i láthair an Aire.

Beidh cóipeanna de na doiciméid sin á leagan faoi bhráid Thithe an Oireachtais ag an Aire. Foilseofar freisin iad ar shuíomh gréasáin na hOifige seo.

Íocaíochtaí Prasa

I gcomhréir le cinntí Rialtais a rinneadh ar an 2 agus an 8 Márta, 2011, leagadh dualgas ar eagraíochtaí stáit córais chuí a fheidhmiú ionas go n-íocfaí sonraisc bhailí laistigh de 15 lá ón dáta a fhaightear iad. Tá dualgas ar eagraíochtaí stáit chomh maith tuairisc ráithiúil maidir leis an ábhar seo a fhoilsiú ar a suíomh gréasáin.

FINANCIAL MATTERS

A budget of €650,000 was provided for my Office for 2012 and €606,784 of that money was drawn down.

The accounts of the Office for 2012 have been prepared for audit by the Comptroller and Auditor General in accordance with subsection 8(2) of the Second Schedule of the Official Languages Act 2003.

As soon as possible after the audit, a copy of those accounts, or of such extracts from those accounts as the Minister for Arts, Heritage and the Gaeltacht may specify, shall be presented to the Minister together with the report of the Comptroller and Auditor General on the accounts.

Copies of those documents shall be laid before the Houses of the Oireachtas by the Minister. They will also be published on this Office's website.

Prompt Payments

In accordance with Government decisions made on the 2nd and 8th of March 2011, public bodies are required to have appropriate systems in place to ensure that valid invoices are paid within 15 days from the date they are received. Public bodies are also required to publish a quarterly report on this matter on their websites.

Tuairisc ar Íocaíochtaí Prasa • Prompt Payments Report

Tréimhse Clúdaithe: an 1 Eanáir – an 31 Nollaig 2012 • Period Covered: 1 January 2012 – 31 December 2012

Sonraí Details	Uimhir Number	Luach (€) Value (€)	Céatadán (%) de líon iomlán na n-íocaíochtaí a rinneadh Percentage (%) of total number of payments made
Líon na n-íocaíochtaí a rinneadh laistigh de 15 lá Number of payments made within 15 days	225	143,739	97%
Líon na n-íocaíochtaí a rinneadh laistigh de thréimhse 16 lá agus 30 lá Number of payments made within 16 days to 30 days	5	3,056	2%
Líon na n-íocaíochtaí a rinneadh sa bhreis ar 30 lá Number of payments made in excess of 30 days	1	659	1%
Líon na n-íocaíochtaí sa tréimhse Total payments made	231	147,454	100%
¹ Sonraisc faoi dhíospóid ¹ Disputed Invoices			Ní bhaineann N/A

¹ Sonraisc a fuarthas i rith na tréimhse agus a bhí fós faoi dhíospóid ag deireadh na tréimhse tuairiscithe.

¹ Invoices received during the period and still under dispute at the end of the reporting period.

FUINNEAMH

Tá an t-eolas seo a leanas á thabhairt i gcomhréir le forálacha I.R. 542 de 2009.

Forbhreathnú ar úsáid fuinnimh sa bhliain 2012

Baineann iomlán an fhuinnimh le leictreachas a úsáideann Oifig an Choimisinéara Teanga i bhfoirgneamh na hOifige sa Spidéal, Co. na Gaillimhe. Cuimsíonn sé sin an fuinneamh a úsáidtear i gcomhair théamh agus aerú an fhoirgnimh, téamh uisce, soilse agus trealamh oifige.

Sa bhliain 2012, d'úsáid Oifig an Choimisinéara Teanga 61.11 MWh leictreachais. Bíodh is gurb ionann sin agus méadú 6.8% ar úsáid na bliana 2011, (57.23 MWh), is lú go mór í fós ná úsáid na bliana 2010 (73.29 MWh.).

Baineann formhór na difríochta san úsáid fuinnimh idir an dá bhliain leis an bpríomhchóras teasa agus aeraithe. Deisíodh an córas seo sa bhliain 2011 agus ba í 2012 an chéad bhliain iomlán dá úsáid.

Gníomhartha a rinneadh in 2012

Leanadh de na beartais a bunaíodh cheana: féachtar chuige go múchtar fearais oifige nuair nach mbíonn gá leo agus deimhnítear ag deireadh an lae oibre go bhfuil gach fearas múchta don oíche agus nuair nach mbítear san oifig. Sa bhliain 2012, cuireadh úsáid fuinnimh san áireamh mar critéar nuair a bhí trealamh leictreonach á roghnú don oifig nó tairiscintí ar threalamh á meas.

Gníomhartha atá beartaithe do 2013

Leanfar de na beartais sábhála fuinnimh atá tionscanta cheana féin agus déanfar monatóireacht rialta ar úsáid leictreachais i gcaitheamh na bliana 2013, go mór mhór i dtaca leis an gcóras teasa agus aeraithe d'fhonn an úsáid fuinnimh a bhaineann leis a laghdú.

ENERGY

The following information is provided in accordance with the provisions of S.I. 542 of 2009.

Overview of Energy Usage in 2012

The use of electricity in the office building in An Spidéal, Co. Galway constitutes the total energy consumption of the Office of An Coimisinéir Teanga. This includes the heating and aeration of the building, water heating, lighting and the use of office equipment.

In 2012, the Office of An Coimisinéir Teanga consumed 61.11 MWh of electricity. While this constituted an increase of 6.8% in comparison with 2011 (57.23 MWh), it was substantially less than the usage in 2010 (73.29 MWh).

Most of the difference in energy consumption can be attributed to the main heating and aeration system in the office building. This system was repaired in 2011 and was in use throughout the year for the first time in 2012.

Actions Taken in 2012

The established energy-saving practices were continued: ensuring that equipment is turned off when not in use and examining the office at the end of every working day to ensure that lights and equipment are switched off overnight and when the building is not occupied. Energy consumption was used as a criterion in choosing electronic equipment and in evaluating tenders for equipment.

Actions Planned for 2013

The Office will continue the energy-saving policies already initiated and it is intended to monitor electricity consumption on a regular basis during 2013, especially in relation to the heating and aeration system with a view to reducing consumption.

FOIREANN AGUS SONRAÍ TEAGMHÁLA • STAFF AND CONTACT DETAILS

FOIREANN • STAFF

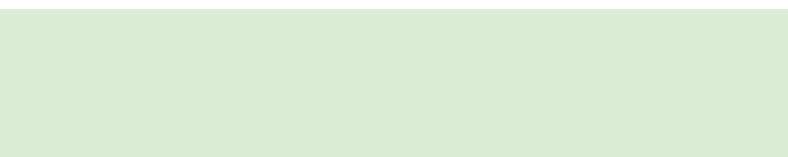
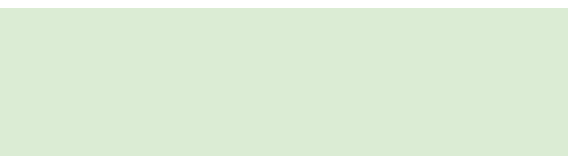
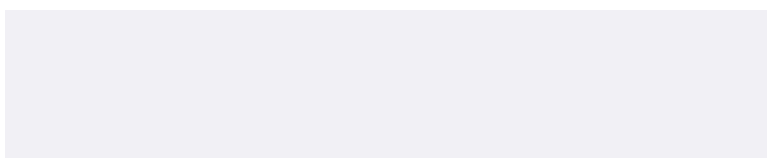
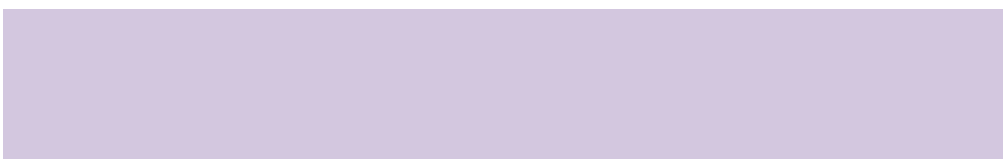
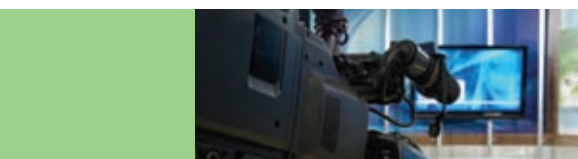
An Coimisinéir Teanga	Seán Ó Cuirreáin
Stiúrthóir • <i>Director</i>	folúntas • <i>vacancy</i>
Bainisteoir Cumarsáide • <i>Communications Manager</i>	Damhnait Uí Mhaoldúin
Bainisteoir Imscrúduithe • <i>Investigations Manager</i>	Órla de Búrca
Bainisteoir Géilliúlachta • <i>Compliance Manager</i>	Colm Ó Coisdealbha
Riarthóir Oifige • <i>Office Administrator</i>	Éamonn Ó Bróithe
Oifigeach Feidhmiúcháin • <i>Executive Officer</i>	folúntas • <i>vacancy</i>
Oifigeach Cléireachais • <i>Clerical Officer</i>	Deirdre Nic Dhonncha
Oifigeach Cléireachais • <i>Clerical Officer</i>	folúntas • <i>vacancy</i>

SONRAÍ TEAGMHÁLA • CONTACT DETAILS

Is féidir teagmháil a dhéanamh leis an Oifig tríd an bpost, ar facs, le ríomhphost nó ar an teileafón ar chostas glao áitiúil, mar seo a leanas:
This Office may be contacted by post, fax, email or telephone, at the cost of a local call, as follows:

POST • <i>POST:</i>	An Coimisinéir Teanga, An Spidéal, Co. na Gaillimhe, Éire.
FÓN • <i>PHONE:</i>	091-504 006
GLAO ÁITIÚIL • <i>LO-CALL:</i>	1890-504 006
FACS • <i>FAX:</i>	091-504 036
RÍOMHPHOST • <i>EMAIL:</i>	eolas@coimisineir.ie
SUÍOMH GRÉASÁIN • <i>WEBSITE:</i>	www.coimisineir.ie

Is é an leagan Gaeilge buntéacs na Tuarascála seo.
The Irish language version is the original text of this Report.



Post / Post:

Fón / Phone:

Glaó Áitiúil / Lo-call:

Facs / Fax:

Ríomhphost / Email:

Suíomh Gréasáin / Website:

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