

# SCOTTISH REGISTER OF TARTANS ACT 2008

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## EXPLANATORY NOTES

### SUMMARY OF AND BACKGROUND TO THE ACT

#### *Section 10: Amendment of Register by Request*

26. This section allows any person to seek amendment of the Register and sets out the process for doing so, including, at subsection (2), a requirement to provide a reason for amendment, and any other information that the Keeper may need. A fee is chargeable for requesting amendment of an entry in the Register. Subsections (3) to (5) make provision in respect of requests to amend that mirrors subsections (3) to (5) of section 6 in relation to applications. As with an application to register a tartan, a request to amend an entry may have implications for existing intellectual property rights. So similar authorisations and certifications are required, as is the indemnity of anyone asking for an amendment.
27. Subsection (10) allows the Keeper to determine how the Register should be amended and subsection (11) requires the Keeper to notify the requester of the outcome of the decision on the request to amend. Subsection (12) requires the Keeper to provide an unsuccessful requester for amendment with reasons for the rejection, or, where the request is successful, either provide a copy of the amended entry or some other form of notification that the amendment has been made. Subsection (13) enables the Keeper to consult sources of expertise as necessary in reaching a view on a request to amend an entry in the Register. Subsection (14) means that where the request is to correct a typographical, clerical or other administrative error, subsections (2) to (13) do not apply. Such requests may be dealt with by the Keeper under section 12.