



Scottish Register of Tartans Act 2008

2008 asp 7

Applications to register tartans

6 The application

- (1) Any person may apply to the Keeper for registration of a tartan.
- (2) An application must be in writing and be signed by the applicant.
- (3) Where the applicant has the right to authorise the Keeper to register the tartan, the applicant must—
 - (a) so authorise the Keeper,
 - (b) certify that the applicant has such a right, and
 - (c) where another person who has such a right has given the applicant written consent to the inclusion of that person's name and address on the Register, certify that such consent has been given.
- (4) Where the applicant does not have the right to authorise the Keeper to register the tartan, the applicant must certify that—
 - (a) the applicant does not have such a right, and
 - (b) so far as can reasonably be ascertained by the applicant, there appears to be no other person who has that right.
- (5) The applicant must indemnify the Keeper in respect of any liability to meet any damages or expenses incurred as a result of, or in connection with, the registration.
- (6) An application must be in such form as the Keeper may from time to time specify; and different forms may be specified for different purposes.
- (7) The application must include—
 - (a) the name and address of the applicant,
 - (b) a coloured photograph or other coloured pictorial representation of the tartan,
 - (c) a description of the tartan including its colours, thread count and sett,
 - (d) the name of the tartan and the nature of the applicant's association with the name,
 - (e) where the applicant can certify as mentioned in subsection (3)(c), any name and address to which such certification relates, and

Status: This is the original version (as it was originally enacted).

- (f) such further information as the Keeper may specify.
- (8) No application may be made to register a tartan with a name which is the same as the name of a tartan in respect of which an entry in the Register already exists.
- (9) The application may include a woven textile sample of the tartan of such size and such form as the Keeper may specify.
- (10) An application must be accompanied by the appropriate fee.
- (11) Where an application is made by a person representing a group of persons which is not a body corporate, the person may—
 - (a) include in the application—
 - (i) any capacity in which the person is acting,
 - (ii) any name and address of the group, and
 - (b) request and authorise the Keeper to record any such name and address in the Register.
- (12) In subsection (7)—
 - (a) in paragraph (b), the coloured photograph or other coloured pictorial representation—
 - (i) may, in either case, be in electronic form, and
 - (ii) must comply with such requirements as the Keeper may specify,
 - (b) in paragraph (d) “association”, in relation to the name of the tartan, includes relationship to, connection with or interest in the name.