



# Scottish Register of Tartans Act 2008

## 2008 asp 7

### *Applications to register tartans*

#### **7 Determination of application**

- (1) The Keeper may request an applicant to submit such further information or documents as the Keeper considers necessary or expedient.
- (2) The Keeper must refuse an application if—
  - (a) in the view of the Keeper—
    - (i) any of the requirements in section 6 has not been met,
    - (ii) the application relates to a design which is not a tartan,
    - (iii) the application relates to a tartan which is the same as, or too similar to, a tartan in respect of which an entry in the Register already exists,
    - (iv) the applicant's association with the name of the tartan is insufficient or insubstantial,
    - (v) the name of the tartan is undesirable, or
    - (vi) the application gives rise to a question which it would be appropriate for the applicant to have resolved or clarified elsewhere (such as by a court), or
  - (b) the applicant has not provided any information or documents requested under subsection (1) within a reasonable period (or such longer period as the Keeper may specify).
- (3) In any other case, the Keeper must accept an application.
- (4) The Keeper must notify the applicant in writing as to whether the application has been accepted or refused.
- (5) Where an application is refused, the Keeper—
  - (a) must provide the applicant with reasons for the refusal, and
  - (b) may provide the applicant with advice in relation to any further application.
- (6) In reaching a view under subsection (2)(a), the Keeper may consult such persons as the Keeper considers appropriate.