

2010 No. 180

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
TARTANS

**The Scottish Register of Tartans Act 2008 (Consequential
Modifications) Order 2010**

<i>Made</i> - - - -	<i>1st February 2010</i>
<i>Laid before Parliament</i>	<i>3rd February 2010</i>
<i>Coming into force</i> - -	<i>1st March 2010</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104 and 112(1) of the Scotland Act 1998(a).

Citation and commencement

1. This Order may be cited as the Scottish Register of Tartans Act 2008 (Consequential Modifications) Order 2010 and comes into force on 1st March 2010.

Modification of certain copyright exceptions

2.—(1) In this article “the 1988 Act” means the Copyright, Designs and Patents Act 1988(b).

(2) In section 47(6) of the 1988 Act (material open to public inspection or on official register), in the definition of “statutory requirement”, the reference to an enactment includes any enactment contained in the Scottish Register of Tartans Act 2008(c).

(3) In section 50(1)(d) of the 1988 Act (acts done under statutory authority) the reference to an Act of Parliament includes the Scottish Register of Tartans Act 2008.

(a) 1998 c.46.
(b) 1988 c.48.
(c) 2008 asp 7.
(d) To which there are amendments not relevant to this Order.

(4) Nothing in this article is to be construed as excluding any defence of statutory authority otherwise available under or by virtue of any statutory provision.

Ann McKechin
Parliamentary Under Secretary of State
Scotland Office

Ministry of Justice,
Dover House,
London
1st February 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made in consequence of the Scottish Register of Tartans Act 2008 (“the 2008 Act”). The 2008 Act establishes a Register of Tartans to be held electronically by the Keeper of the Register, an office also established by the 2008 Act.

This Order makes it clear that certain acts carried out in relation to the Register of Tartans by virtue of the 2008 Act are covered by the exceptions to copyright in sections 47 and 50(1) of the Copyright Designs and Patents Act 1988. The Order does this by deeming the term “enactment” in section 47(6) and the term “Act of Parliament” in section 50(1) to include the 2008 Act.

Article 2 of the Order does not affect any defence of statutory authority that may be available at common law in relation to things done under the 2008 Act.

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