



# Scottish Register of Tartans Act 2008

## 2008 asp 7

### *The Scottish Register of Tartans*

#### **1 The Register**

- (1) There is to be a Scottish Register of Tartans (in this Act referred to as “the Register”).
- (2) The purposes of the Register are—
  - (a) to be a repository for the preservation of tartans, and
  - (b) to be a source of information about tartans.
- (3) The Register is to be kept in electronic form.

#### **2 Meaning of “tartan”**

For the purposes of this Act, a tartan is a design which is capable of being woven consisting of two or more alternating coloured stripes which combine vertically and horizontally to form a repeated chequered pattern.

#### **3 Keeper of the Scottish Register of Tartans**

- (1) In this Act, the “Keeper” means the Keeper of the Records of Scotland; but when carrying out any function in relation to the Register, the Keeper is to be known as the Keeper of the Scottish Register of Tartans.
- (2) Any document or other physical thing in relation to which the Keeper’s duty of care and preservation under section 4(2)(b) applies is not to be treated as a record for the purposes of sections 8 to 12 of the Public Records (Scotland) Act 1937 (c. 43) (functions of the Keeper and others in relation to records transmitted to the Keeper).
- (3) Any functions transferred to and vested in the Keeper under section 1(3) of the Public Registers and Records (Scotland) Act 1948 (c. 57) (functions with regard to the preservation of the public registers, records and rolls of Scotland) are not to be exercisable in relation to the Register.

#### **4 Functions of the Keeper**

- (1) The Keeper has the general functions of setting up, keeping and maintaining the Register.
- (2) The Keeper must—
  - (a) make the Register available on a website, or by other electronic means, to members of the public,
  - (b) make appropriate arrangements for the care and preservation of any document or other physical thing—
    - (i) sent to the Keeper in connection with, and relevant to, an application for registration of a tartan under section 6(1), or
    - (ii) otherwise acquired by the Keeper in connection with the carrying out of the Keeper's functions in relation to the Register,
  - (c) take such steps as are necessary to ensure that the Register is capable of being used efficiently and effectively.
- (3) The Keeper may—
  - (a) permit members of the public, on payment of the appropriate fee—
    - (i) to inspect any document or other physical thing in relation to which the Keeper's duty of care and preservation under subsection (2)(b) applies,
    - (ii) to make copies of any such document,on such days, at such times and under such conditions as the Keeper thinks fit,
  - (b) copy, or issue to the public copies of, any such document,
  - (c) in response to a reasonable request from a person who has paid the appropriate fee—
    - (i) provide information, or
    - (ii) carry out research,in relation to the Register,
  - (d) on payment of the appropriate fee, provide such other services to the public in relation to the Register as the Keeper thinks fit,
  - (e) take such steps as the Keeper considers appropriate to publicise the Register and encourage its use,
  - (f) in respect of matters within the Keeper's discretion, issue guidance on, or in connection with, the Register, and
  - (g) consult such persons as the Keeper considers appropriate before issuing such guidance.
- (4) The Keeper may do anything which appears to the Keeper to be necessary or expedient for the purposes of, or in connection with, the exercise of the Keeper's functions under this Act.
- (5) Paragraphs (a) and (b) of subsection (3) are without prejudice to section 12A of the Public Records (Scotland) Act 1937 (c. 43) (duty to afford facilities for inspection etc. of certain records).

#### **5 Existing collections of tartans**

- (1) The Keeper may, with the consent of the owner or keeper of an existing collection of tartans, make entries in the Register in respect of tartans contained in such a collection.

- (2) Each entry is to contain such particulars as the Keeper thinks fit.
- (3) In subsection (1), “existing collection of tartans” means tartans held in a register or repository (whether kept in electronic form or otherwise) which existed before the coming into force of this Act, and includes any information or physical thing (including documents) relating to the tartans.