



# Scottish Register of Tartans Act 2008

## 2008 asp 7

### *Miscellaneous and general*

#### **14 Fees**

- (1) The Scottish Ministers may by order specify—
  - (a) the fee payable in respect of matters mentioned in this Act for which an appropriate fee is payable,
  - (b) other matters in relation to the Register in respect of which fees are payable and the amount of such fees.
- (2) The power to make an order under subsection (1) is to be exercised by statutory instrument; and a statutory instrument containing such an order is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (3) The Scottish Ministers must consult the Keeper before making an order under subsection (1).
- (4) An order under subsection (1) may specify—
  - (a) different amounts for different purposes,
  - (b) circumstances in which no fee is payable.
- (5) The Keeper may waive a fee specified under subsection (1) in such circumstances as the Keeper may, with the approval of the Scottish Ministers, specify.

#### **15 Scottish Records Advisory Council**

In section 7 of the Public Records (Scotland) Act 1937 (c. 43) (constitution and functions of the Scottish Records Advisory Council), after subsection (3A) insert—

- “(3B) The reference in subsection (3) to public records, and in subsection (3A) to records, do not include references to—
- (a) the Scottish Register of Tartans established under section 1(1) of the Scottish Register of Tartans Act 2008 (asp 7), or
  - (b) any document or other physical thing in relation to which the duty of care and preservation under section 4(2)(b) of that Act applies.”.

## 16 Ancillary provision

- (1) The Scottish Ministers may by order made by statutory instrument make such consequential or incidental provision as they consider necessary or expedient for the purposes of, in consequence of or for giving full effect to, any provision of this Act.
- (2) An order under subsection (1) may—
  - (a) make different provision for different purposes,
  - (b) modify any enactment.
- (3) Subject to subsection (4), a statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) No order under subsection (1) containing provisions which add to, replace or omit any part of the text of an Act is to be made unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Scottish Parliament.

## 17 Interpretation

- (1) In this Act—
  - “amend”, in relation to an entry in the Register, includes the deletion of that entry or any particulars in it,
  - “applicant” means a person applying, or (as the case may be) who has applied for, registration of a tartan under section 6(1),
  - “application” means an application to register a tartan under section 6(1),
  - “appropriate fee” means any fee specified by virtue of subsection (1)(a) of section 14 in an order under that section,
  - “thread count” means the number of threads of each colour contained in a tartan when woven in a textile.
- (2) The requirement for signing in section 6(2) is satisfied by an electronic signature; and “electronic signature” is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000 (c. 7).

## 18 Short title and commencement

- (1) This Act may be cited as the Scottish Register of Tartans Act 2008.
- (2) The provisions of this Act, except this section, come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.