

## **Guidance notes to support the Scottish Register of Tartans application form**

To apply to register a tartan, you need to have designed a unique tartan for which you must provide a threadcount, an image and a proposed tartan name. We strongly advise you to submit an application to register your tartan **before** having it woven to ensure it meets the criteria for registration.

### **Criteria for registration**

The Scottish Register of Tartans Act

([http://www.legislation.gov.uk/asp/2008/7/pdfs/asp\\_20080007\\_en.pdf](http://www.legislation.gov.uk/asp/2008/7/pdfs/asp_20080007_en.pdf)) has established clear criteria for the inclusion of a tartan in the Register:

- a new tartan must meet the definition of tartan contained in the Scottish Register of Tartans Act (2008)
- it must be a new design, unique to the Register, and
- there must be a clear link between the person registering the tartan and the proposed tartan name.

The application must be accompanied by payment of the registration fee (VAT exempt). This fee is non-refundable. Please see below for full details of the registration fee, other charges and methods of payment.

<b>Service</b>	<b>Fee</b>
Application to register a tartan (including the provision of an A4 registration certificate). Please note that the registration fee is exempt from VAT.	£150
Request to reconsider refused application.	£85
Duplicate certificate of registration (only available for tartans registered since 5 February 2009).	£32
Request to amend the Register (does not include the provision of an amended certificate of registration).	£54
Amended certificate of registration.	£32
Inspection of Tartan Register documents or other physical objects.	£12.50
Copies of any Tartan Register document - per 5 sheets.	£5.40
Provision of information about the Register.	£85
Research in relation to the Register.	£85

### **Additional service**

The Register also offers the following additional service:

<b>Service</b>	<b>Fee</b>
<b>Certificate of inclusion in the Register</b> Only available for tartans recorded by the Scottish Tartans Society (STS), the Scottish Tartans World Register (STWR) or the Scottish Tartans Authority (STA) prior to 5 February 2009. Certificates of inclusion can only be provided to the owner of the tartan and evidence of ownership will be required e.g. a copy of the original STS, STWR or STA certificate.	£32

## **Methods of payment**

Payment of the application for registration fee can be made using one of the following options.

### **International bank transfer:**

Name of Bank: NATWEST

Name of Account: SCOTTISH GOVERNMENT

IBAN: GB15NWBK60708010019502

SWIFT: NWBKGB2LXXX

Reference number for Tartan Register payments: NRS/TR/Name of Tartan

### **National bank transfer:**

Name of Bank: NATWEST

Name of Account: SCOTTISH GOVERNMENT

Account number: 10019502

Sort code: 60-70-80

Reference number for Tartan Register payments: NRS/TR/Name of Tartan

### **Credit or debit card:**

If you wish to pay by Credit or Debit card you will need to submit the application online through your Scottish Register of Tartans Account. Once you have submitted your application you will then be directed to our secure card payment site.

### **VAT Receipts**

Please note that the application fee is exempt from VAT. Fees for other services include VAT as appropriate. A VAT receipt can be prepared on request. Please contact [enquiries@tartanregister.gov.uk](mailto:enquiries@tartanregister.gov.uk).

### **Returns policy**

**The fees applicable to the Scottish Register of Tartans are specified in the Scottish Register of Tartans Act 2008 and in the related Fees Order. Fees are not refundable, except where specified in the Act.**

## **Application process**

1. You need to set up a free user account with the Register. You will need to provide a user name and contact details, including a unique email address, nominate a security question and set a password.
2. Once you have logged into your user account, Log In and you will be able to access the online application form. Alternatively, you can print a copy of the application.
3. Complete the application form as fully as possible – see **Further Details** on the information required. You must provide a threadcount for, and image of, your tartan, and a proposed tartan name.
4. You should include a photograph or woven sample of the tartan, and the registration fee with the application form and submit it by post.
5. It is essential to have appropriate authority for the proposed name of your tartan and you should include evidence of this authority with the application form - see further details on the authority required below.
7. On receipt of your application, it will be manually submitted to the Register. It will be assessed against the criteria for registration set out in the Scottish Register of Tartans Act 2008.
8. Please allow four weeks for your application to be processed.
9. If Tartan Register staff have any queries about your application, they will contact you by phone or email.
10. If your tartan meets the criteria for registration then it will be included on the Register and a certificate of registration will be sent out to you.
11. If your tartan does not meet the criteria for registration we will write to you to confirm your application has been refused detailing the reason for refusal. You may request your application is reconsidered by writing to the Keeper within 2 months of the date of the letter accompanied by the appropriate fee.

### **Further Details**

#### **Tartan name**

Your proposed tartan name should describe the nature and purpose of your tartan as clearly and succinctly as possible, using the English language, taking into account the guidelines below. Note: American English spellings will be corrected to British English where appropriate. If you wish to submit your application in another language then please contact us for advice.

- The proposed name must be unique on the Register. Your name may be amended if it is found to be too similar to the name of an existing registered tartan. It must differ from the names of all tartans already included on the Register. Spelling variants of family names, e.g. McLeod and MacLoud or MacName and McName, will be regarded as the same name for the purposes of registration.
- The proposed name must be no more than 200 characters in length.
- You must be able to demonstrate a personal association with the proposed name. You must therefore explain fully why you have chosen the proposed name and explain your association with it.

- The Keeper may refuse an application if your association is not determined to be sufficient or substantial. A general interest in a subject matter may not be considered to be a sufficient or substantial association.
- Tartan names cannot be used as a means of promoting political statements or to represent political campaigns or ideology.
- If you are applying to register a tartan on behalf of a third party, whether an individual, clan, corporation, place, regiment or other body, you must provide evidence of your authority to use their name for the tartan.
- Where the name of a tartan is a surname and that surname has a chief, head of the whole name or commander for that clan or family, then written approval from the chief, head or commander is required. These tartans will be put in the Clan / Family tartan category.
- Tartan names cannot be deemed to be a design that represents multiple groups unless there is an official person who represents all the groups and authority is received from that person or convening organisation.
- Tartan names in the Name category must include a surname and a forename or initial followed by (Personal) with the applicant(s) having a clear association with the proposed surname(s) and forename(s). The year of registration or geographical location may be added to the tartan name in order to make the name unique. Thus, any tartans in the Name category will be in the following format:

'Surname, Forename (Personal)'; or

'Surname, Initial (Personal)'; or

'Surname, Forename, & Family (Personal)'; or

'Surname, Initial, & Family (Personal)'; or

'Surname, Forename (Year)'; or

'Surname, Forename, location (Personal)'; or

'Surname, Forename – Wedding (Personal)'; or

'Surname, Forename & Surname, Forename - Wedding (Personal)'.

- Note that it is not acceptable to include the word 'Tartan' in the tartan name.
- The addition of tartan descriptors, Hunting and Dress, to a tartan name will only be accepted for the purposes of registration where an original tartan of the same name is registered e.g *Ferguson, A, Hunting (Personal)* can only be registered if *Ferguson, A (Personal)* has already been registered. You may be required to offer proof of your association with an original existing tartan and appropriate authority to register a further version of it. The use of 'Modern' or 'Ancient' will not be accepted as these are tartan terms for different shades (softer or brighter) of the same colours and would therefore

not be considered to unique or sufficiently different. The use of colours is also not acceptable.

- Tartan names cannot include religious titles or names of Saints unless the name of the Saint is included because it is within the official name of a building, place or official organisation.
- The proposed name must not include a country or place or give the impression that the tartan has the official backing of a clan/family, organisation, regiment, city, state or other place unless evidence of official backing is submitted. You should explain your personal association with the name and why you have chosen it. The Keeper may refuse an application if your association is not determined to be sufficient or substantial.
- A tartan cannot be the name of anything that is already covered by an official registered trademark or is an idea or intellectual property owned by an individual or group without their express permission in the form of written authority.
- Where a tartan is named after a specific event and if there is a body that is responsible for organising that event then authority from that body to include the event in the tartan name is required.

The preposition 'of' has a specific meaning in Scots law indicating ownership of all the lands so described. Please do not use 'of' in the tartan name unless you can demonstrate ownership of the lands so described.

Only titles recognised by the Court of the Lord Lyon in Scotland may be used in naming tartans.

### Category

Each registered tartan is allocated to one of nine categories. These categories are used by people to search the Register. The category allocated by the Scottish Register of Tartans will be deemed to be the most appropriate and logical following advice received from the Scottish Register of Tartans Advisory Group. The description of each category is included in the following table for information only.

Category	Description
Clan / Family	<b>Scottish Clan or Family Society.</b>  Scottish clan as recognised by Court of the Lord Lyon.  Applications must be from either the head of the whole name, or chief of the family or clan, or their commander.
Name	<b>A tartan named for an individual, whether alive or dead or for family names that are not within the Clan / Family category.</b>  This category is used for a personal name.

	<p>Note that applicants can no longer register tartan names that contain only a surname or surname and year because they cannot be deemed to represent the Clan /Family without the written authority. See the Clan / Family category above.</p> <p>There must be a clear association between the applicant and the name of the tartan.</p> <p>If registering a tartan on behalf of a third party, the applicant must provide written evidence of third party approval for the publication of his or her name in the Register. Contact details should be provided for the person who will be controlling the future use of the tartan.</p> <p>Note that it is not acceptable to include the word 'Tartan' in the tartan name. The name has to be unique so the addition of a year or location might be required to identify a specific tartan.</p> <p>Examples of acceptable name formats are listed below:</p> <p>Ferguson, Alasdair (Personal)</p> <p>Ferguson, A (Personal)</p> <p>Ferguson, Alasdair, &amp; Family (Personal)</p> <p>Ferguson, A, &amp; Family (Personal)</p> <p>Ferguson, Alasdair (2018) (Personal)</p> <p>Ferguson, Alasdair, Inverness (Personal)</p> <p>Ferguson, Alasdair - Wedding (Personal)</p> <p>Ferguson, Alasdair &amp; Brown, Mary - Wedding (Personal)</p>
<b>District</b>	<p><b>A tartan associated with a particular geographical area, including towns, parishes, counties or countries.</b></p> <p>Where a tartan is named after a country, a state, a district, a town or a city, giving the impression of an association with any central or local authority, public or private initiative, an application must be accompanied by a letter of authority from a prominent office-bearer in the appropriate body.</p> <p>Where there is no single local authority to authorise a district or place name tartan, then the applicant will be expected to seek approval from a higher authority or from all local authorities which may have an interest or influence in the district concerned.</p>

<b>Corporate</b>	<b>A tartan for an official company or organisation</b> This category is for an official company or organisation. The application must be accompanied by a letter of authority from a prominent office-bearer in the appropriate body, eg. the Chief Executive or Director.
<b>Military</b>	<b>A tartan associated with any branch of the armed forces, including volunteer regiments and organisations both in the UK and overseas.</b> The applicant will be expected to submit evidence that the tartan has been endorsed by the Commanding Officer (or equivalent) of the regiment/organisation concerned.  There must be a clear, obvious association between the tartan name and the regiment/organisation.
<b>Royal</b>	<b>A tartan with a direct connection to British or Foreign Royalty.</b> The applicant must submit written authority from a senior official from within the relevant royal household.
<b>Commemorative</b>	<b>A tartan created to commemorate a specific public event or person.</b>  An application must be accompanied by a letter of authority from a prominent office-bearer in the appropriate body or details and evidence of the achievement of the named individual.
<b>Fashion</b>	<b>A tartan created for fashion or retail, usually without any particular personal association.</b>
<b>Other</b>	<b>A tartan that does not meet the criteria for any of the other categories.</b>

#### **Unique or 'sufficiently different' designs**

The Keeper expects applicants to register an original design. Each tartan registered must be both unique and 'sufficiently different' to all tartans already included in the Register.

In practice this means that

- The geometry of your design must be different, i.e. the blocks of solid colour must be of different sizes and arranged in a new pattern.
- Your tartan will use different colours in different proportions and in a new order.
- If based on an existing tartan, an applicant must use his or her own skill to develop the earlier work and not simply copy it.

Making the following changes to an existing tartan will not create a new tartan:

- Increasing or diminishing the size of the sett (the pattern) of an earlier tartan whilst retaining the identical colours and geometry of the original design.
- Changing the shades of colour used in the tartan, eg. changing light blue to dark blue.

- Applying minimal changes to an existing design without developing or re-interpreting it.

In reaching a view on whether a design is unique and sufficiently different to those already included in the Register, the Keeper may consult such persons as he considers appropriate.

Before submitting your application, we would advise you to use the 'compare designs' facility to compare your tartan against all others already included on the Register. You will need the threadcount for your tartan before you can make use of this facility.

Please note that it is very difficult to 'teach' a computer how to identify tartans which are too similar to each other. Therefore, although we encourage you to use the 'compare designs' facility before submitting the application to register your tartan, we may still find that your design is not 'sufficiently different' to all others already recorded when processing your application.

#### **About your tartan: designer, date and rationale (background information)**

##### **Designer**

The designer of a tartan is the person who created the sett or pattern. This may be an individual or a company name. If more than one person was responsible for the tartan, please include all the appropriate surnames in this field and provide full names in the Rationale (background information) field. Please ensure all listed designers have given their permission.

If the designer is unknown, please enter 'Unknown' in the designer field.

##### **Date**

Please enter the date when the tartan was created.

If the tartan is an historical design, please provide an approximate date, or the date of any surviving evidence of when the tartan was first worn, used or recorded (as far as you are aware).

##### **Rationale (background information)**

The information you provide in this field will be used to support the proposed name and category of your tartan. It is limited to a maximum of 1,000 characters and may be edited. This information will be published on the Register if your application is successful though the Scottish Register of Tartans reserve the right to amend the wording of rationale in order to ensure that it complies with the necessary criteria.

The rationale must not contain abbreviations or any information that is not factually correct. The wording included in your rationale should not include any political statements or be used as a means to promote any political campaigns or ideologies. Statements must be solely associated with the person, persons or organisation applying to have their tartan registered. Only titles recognised by the Court of the Lord Lyon in Scotland may be used in the rationale.

The rationale should ideally include details of:

- Why this tartan was created, or Registered if not a new design?
- What prompted the applicant to choose the tartan name?
- For tartans designed for a specific district or location, authority is required from the local governing body or their representative. Details of the body or person providing the authority shall be included.

- Tartans commemorating a specific event should include some background information that explains how the tartan is linked to that event. Where the event is part of an official commemoration then authority to register the design on behalf of the organisation coordinating the event should accompany the application.
- The rationale *can* also include factual information that supports why the colours were selected *but this is not essential*.

#### **Image and woven samples**

Your application must be accompanied by a colour picture of the tartan you wish to register (Scottish Register of Tartans Act 2008 Section 6(7)). The image you submit is checked against the threadcount included in your application to ensure that the two match. Please ensure that the image is in colour, of high quality and high definition. Alternatively, a woven sample of the tartan which you wish to register can accompany your application. Either option must clearly define the different colours of your tartan design to allow us to ascertain whether it is unique.

You can attach a gif or jpeg file to your application form by using the browse facility.

If you experience difficulty in uploading an image, you can send it by email attachment to [enquiries@tartanregister.gov.uk](mailto:enquiries@tartanregister.gov.uk). Please ensure that your email includes the proposed tartan name.

#### **Woven sample**

If your tartan has already been woven, or as soon as it is woven, please send us a sample.

The sample should be a minimum of 18cm x 23cm (7 inches x 9 inches) or of sufficient size to show half the sett if that exceeds these measurements. Please include both your name and the proposed tartan name with the sample.

All images and woven samples submitted with applications will be preserved in the National Records of Scotland and made available for inspection by members of the public (Scottish Register of Tartans Act 2008 Section 4).

Woven samples are preserved in purpose-made archival boxes and folders to ensure the long-term preservation of this important collection alongside the Scottish national archives.

Once we have received a woven sample of your tartan, the entry for your tartan will be highlighted by the addition of the woven sample symbol (an image of a roll of cloth) and the entry will include confirmation of our receipt of the fabric.

Woven samples and tartan images should be sent to:

The Scottish Register of Tartans  
 National Records of Scotland  
 HM General Register House  
 2 Princes Street, Edinburgh, EH1 3YY

#### **Threadcount**

The threadcount indicates the colour stripes of the warp and weft in sequence and the number of threads in each stripe. It has been described as the DNA of a tartan. The designer of your tartan should be able to provide you with the threadcount or a weaver's ticket. A threadcount can also be taken from a woven sample, providing it is large enough to show the full sett.

Your application must include the threadcount for your tartan otherwise it will be refused.

Please ensure that the threadcount you submit is correct as it cannot be amended after the tartan has been registered.

### The threadcount

The threadcount is usually provided as a series of capital letters and numbers. Each capital letter represents a colour in the tartan and the number beside each letter dictates the precise number of threads required so that the weaver can set up the loom accurately. For example:

B24 W4 B24 R2 K24 G24 W2

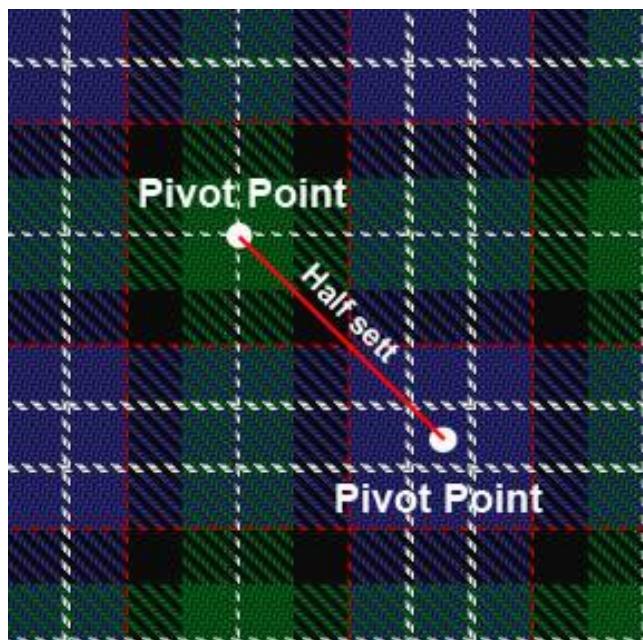
Means 24 threads of B (blue) followed by 4 threads of W (white), 24 threads of B (blue), 2 threads of R (red), 24 threads of K (black), 24 threads of G (green) and another 2 threads of W (white).

Tartans are either symmetrical/reflective patterns or asymmetrical/repeating patterns. The threadcounts for these two types of patterns are presented slightly differently so that the weaver knows which type of pattern he is setting up on his loom.

### Symmetrical/reflective setts

Symmetrical or reflective patterns are so called because the complete sett or pattern contains lines of symmetry or reflection at the pivot points.

The pivot points are located at the lines of reflection in the pattern. At each pivot point the pattern is reflected, as in a mirror image - please see the following image:



The 'first' pivot is usually the colour which appears earliest in the alphabet. Where there are, for example, blue and white pivot points, the blue is taken as the first pivot and the white as the second pivot.

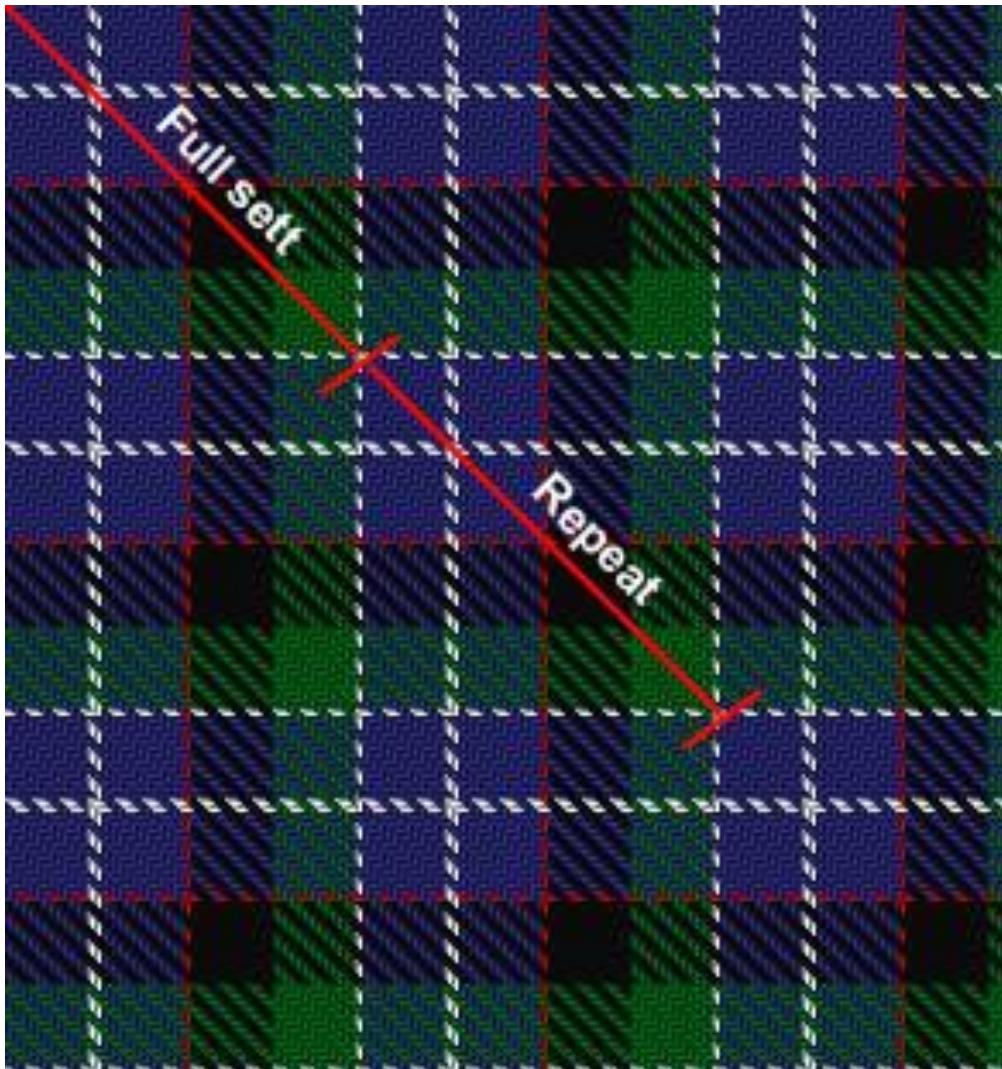
Because the pattern reflects, only half the threadcount needs to be provided - the user will know that the second half of the threadcount is a mirror reflection of the first half.

To show that the threadcount is for a symmetrical/reflective tartan, the pivot points include a slash (/) between the letter and number of threads.

For example B/24 W4 B24 R2 K24 G24 W/2.

### Asymmetrical/repeating setts

Where the pattern does not reflect it is known as an asymmetrical or repeating pattern. There are no pivot points in an asymmetrical pattern: when reaching the end of the pattern it repeats from the beginning again - please see the following image:



To show that the threadcount is for an asymmetrical/repeating pattern, the threadcount begins and ends with three dots (...). The threadcount should start with the colour appearing earliest in the alphabet.

For example ... B24 W4 B24 R2 K24 G24 W2...

### Colour codes

The capital letters used in a threadcount are colour codes which describe specific shades of colour. Please explain the codes you have used. You can open and print a list of the colour codes ([http://www.TartanRegister/docs/Colour\\_shades.pdf](http://www.TartanRegister/docs/Colour_shades.pdf)) which SRT Administrators will use to generate the image of your tartan that will appear on the Register.

### Different warp and weft threadcounts

For most tartans the warp and weft are virtually identical and only one threadcount is required. Occasionally however a tartan has significant differences between the warp and weft (which creates a pattern of rectangles rather than squares). If your tartan has different threadcounts for the warp and weft then you will need to supply both threadcounts in your application.

## **Size of the sett**

The size of a sett will depend on how you wish to use your tartan. A 2-3 inch sett may be more appropriate for a tie, whereas a 6-7 inch sett will be needed to make up a kilt or skirt. A six inch sett will normally be made up of a total of approximately 240-260 threads. For the purposes of registration, the threadcount for a six-seven inch sett should be provided.

## **Check or tartan?**

A check is a very simple form of tartan, comprising small regular blocks of colour without overchecks, bands and stripes. It will generally have fewer than 100 threads in the threadcount.

The descriptor 'Check' may be added to the name of a design submitted for registration if it is considered to be more of a check than a tartan.

## **Copyright and design right**

The creator of a design, the designer, is the first owner of the intellectual property rights (IPR) associated with a tartan, except where the design was created during the course of employment, in which case the employer is the first owner. If a design has been commissioned then ownership of the IPR should be clearly allocated in the contract.

2D designs may be subject to copyright as artistic works. Design right may apply to both design documents and to woven tartan.

IPR in the UK have not been devolved. Inclusion of a tartan in the Register indicates that your tartan meets the criteria for registration set out in the Scottish Register of Tartans Act 2008. No other rights can be conferred. Inclusion of your tartan in the Register however provides evidence of the existence and date of your design.

If you have officially registered your design with the UK or any other Intellectual Property Office, please provide the registration number and the date of registration. If you register your design after your tartan has been included in the Register, please let us know so that we can update the entry.

For further information on registering your Design Right in the UK, please visit the UK Intellectual Property Office.

## **Authority to register and indemnity**

Please note that by submitting an application to register a tartan, you are certifying your authority to register the tartan and indemnifying the Keeper of the Tartan Register from any liability for damages or expenses incurred as a result of your application. Please click on the links below to access more detailed advice.

## **Authority to register your tartan**

By selecting the 'yes' button you are certifying that you have the authority to authorise the Keeper to include this tartan in the Register under the Scottish Register of Tartans Act 2008 Section 6(3)(b).

You are certifying therefore that:

- You are the owner of the tartan, or
- You have the written consent of a third party (individual or group) to the inclusion of their name and address on the Register and their authority to register the tartan on their behalf, and
- You have the appropriate authority for your proposed tartan name. For further information, please refer to the guidance on tartan names.

Please attach evidence of your authority by browsing and selecting the relevant file.

If you are not the owner/designer of the tartan and/or do not have the authority to register it, then you will need to contact Tartan Register staff to ascertain whether you can proceed with your application.

If, as far as you can ascertain, there is no other person who has the right to authorise the Keeper to register the tartan, then you may still be able to proceed. You will be asked to submit evidence of your search to identify a person who may have the right to authorise registration. Please email [enquiries@tartanregister.gov.uk](mailto:enquiries@tartanregister.gov.uk).

### **Indemnity**

By submitting your application to register a tartan you are deemed to indemnify the Keeper from any liability for damages or expenses incurred as a result of or in connection with the proposed registration.

### **Restrictions**

You may wish to restrict the use of your tartan. If so, please enter the details of your required restrictions in the 'Are there any restrictions on who can wear/use this tartan?' field.

***Please note that the Keeper is not responsible for enforcing restrictions and has no authority to do so. The Keeper reserves the right to amend the wording of your restrictions.***

#### **Restrictions on wearing or using the tartan**

If you wish to indicate who your tartan is intended to be worn by, for example: your immediate family, a group, regiment or corporate body, please indicate the nature of the restriction here.

#### **Restrictions on weaving**

Please indicate in this field whether you wish to be consulted before your tartan is woven and whether you have any preference as to which mill should undertake weaving of your tartan.

#### **Any other restrictions**

Please note any other restrictions.