ECONOMY, ENERGY AND TOURISM COMMITTEE

AGENDA

10th Meeting, 2008 (Session 3)

Wednesday, 14 May 2008

The Committee will meet at 9.30 am in Committee Room 3.

1. **The Scottish Register of Tartans Bill**: The Committee will take evidence on the general principles of the Bill at Stage 1 from—

   Michael McElhinney, Head of Manufacturing Policy, and Helena Janssen, Senior Principal Legal Officer, Scottish Government Legal Directorate, Scottish Government;
   George MacKenzie, Keeper of the Records of Scotland;

   and then from—

   Mr Robin Blair, Former Lord Lyon King of Arms;
   Brian Wilton, Director of the Scottish Tartans Authority;
   Keith Lumsden, Director Scottish Tartans World Register;

   and then from—

   Kirsty Scott, Head of National Textiles Team, Scottish Enterprise;
   Dr Nick Fiddes, Managing, Director Scotweb.

2. **Annual report**: The Committee will consider a draft annual report for the Parliamentary year from 9 May 2007 to 8 May 2008.

Stephen Imrie
Clerk to the Committee
Room T3.40
0131 348 5207
Stephen.Imrie@scottish.parliament.uk
The papers for this meeting are as follows—

**Agenda Item 2**

SPICe Briefing: *Scottish Register of Tartans Bill*  
Scottish Register of Tartans Bill - written submissions

**Agenda Item 3**

Paper by the Clerk

Members are reminded to bring a copy of the Scottish Register of Tartans Bill to the meeting (previously issued).
This paper provides a brief history of tartan, before outlining the previous Bill, considering a recent economic impact assessment of the tartan industry in Scotland and then the current Bill in the context of previous debates on this issue.
# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>3</td>
</tr>
<tr>
<td>TARTAN</td>
<td>4</td>
</tr>
<tr>
<td>PREVIOUS BILL</td>
<td>6</td>
</tr>
<tr>
<td>ECONOMIC IMPACT OF TARTAN</td>
<td>8</td>
</tr>
<tr>
<td>Textiles and Tartan: Profile and Prospects</td>
<td>9</td>
</tr>
<tr>
<td>Tartan: Economic Impact Contribution</td>
<td>9</td>
</tr>
<tr>
<td>Tartan: Registers</td>
<td>9</td>
</tr>
<tr>
<td>Tartan: Industry Development</td>
<td>10</td>
</tr>
<tr>
<td>The Way Forward</td>
<td>10</td>
</tr>
<tr>
<td>SCOTTISH REGISTER OF TARTANS BILL</td>
<td>10</td>
</tr>
<tr>
<td>KEY DEBATES ON THE BILL</td>
<td>12</td>
</tr>
<tr>
<td>Why Legislate?</td>
<td>13</td>
</tr>
<tr>
<td>The role of existing registers</td>
<td>14</td>
</tr>
<tr>
<td>The role of the Keeper</td>
<td>14</td>
</tr>
<tr>
<td>FINANCIAL IMPLICATIONS OF THE BILL</td>
<td>14</td>
</tr>
<tr>
<td>PARLIAMENTARY SCRUTINY</td>
<td>15</td>
</tr>
<tr>
<td>SOURCES</td>
<td>16</td>
</tr>
</tbody>
</table>
INTRODUCTION

The Scottish Register of Tartans Bill [hereafter ‘the Bill’] was introduced on 25 March 2008 by Jamie McGrigor MSP. Whilst the Bill is a Members’ Bill it has been prepared by the Scottish Government on behalf of the Member. The Bill proposes:

- The creation of a publicly held and maintained Register of tartans
- Setting up a system for registering new tartan designs
- A statutory definition of tartan for the purposes of the operation of the Register
- Conferring on the Keeper of the Records of Scotland the functions of keeping and maintaining the proposed Register and of overseeing the registration of new tartan designs, and
- Providing Scottish Ministers with a power to specify, by order, fees for services provided in relation to the Register such as the registration of new tartans and provision of copy material from the Register.

The Bill and its associated documents can be accessed at:
http://www.scottish.parliament.uk/s3/bills/08-TartanBill/index.htm

During the second session of Parliament the same Member introduced a similar Bill which was subsequently withdrawn at Stage One. Details of the previous ‘Scottish Register of Tartans Bill’ from the second session of Parliament can be accessed at:
http://www.scottish.parliament.uk/business/bills/76-tartans/index.htm

This paper provides a brief history of tartan, before outlining the previous Bill, a recent economic impact assessment of the tartan industry in Scotland and then the current Bill in the context of previous debates on this issue.
The Policy Memorandum to the Scottish Register of Tartans Bill (Scottish Parliament, 2006b, p.2-4) from the second session of Parliament provided an overview of the history and significance of tartan and this is reproduced below.

**The History and Significance of Tartan**

*Early History*

Tartan is by no means entirely unique to Scotland. There are tartans that can readily be identified as such in Wales, Ireland, Cornwall, Northumberland, as well as regions of France, Holland and Spain. Tartan has also been found further afield than Europe and dating back to two millennia. The so called *Mummies of Urcumchi* discovered in Western China had on their possession what is said to have been woven wool yarn of complex tartan patterns. Yet it is a design that has undoubtedly come to be most closely associated with Scotland.

The Scottish Tartans Museum suggests that the earliest piece of tartan discovered in Scotland is thought to be the "Falkirk Tartan", dating from sometime between the 2nd and 3rd Centuries.

Tartan is strongly associated with Scottish clans and Highland culture. Various testimonies from the 16th Century appear to identify tartan as a fighting uniform of that era, for example, Monsieur Jean de Beayque described in 1549 how "several wild Scots following them [the Scottish army] and they were naked except for stained shirts, and a certain light covering made of various colours."

*Tartan in the 18th century*

A key event in the narrative of tartan is probably the battle of Culloden (1745) the defeat of Bonnie Prince Charlie and the end of the Jacobite cause. It is disputed whether the Scots army were really distinguishable by clan by their respective tartans at this juncture but it is certainly evident that wearers of tartan were subsequently punitively targeted.

Passing a number of Acts between 1746 and 1747 dealing with the disarming of the Highlanders, the British Parliament’s 1747 Act of Proscription contained a section that would become known as the Dress Act. This made “wearing the Highland dress” including tartan illegal in the Highlands. It also outlawed the production of tartan in the Highlands.

The 1747 Act was eventually repealed in 1782 but during that time it conferred an outlaw status and could only have encouraged much of the symbolism that is linked to tartan.

*Tartan in the 19th century*

Tartan was an integral part of Highland uniform and clan culture; in the years of proscription it was still popular with the Scottish military regiments and with those Scots living in North America and the Antipodes. It was not until the early and middle 19th Century however that it really began to impact on wider and mainstream Scottish society.
Robert Burns, the National Bard makes references to tartan in his work, for instance "Bonie Dundee" and "The Jolly Beggars".

Scots historian Tom Devine reflected on the connections between tartan, Highlanders and British Empire: "Highlandism as we know it - the kilt and tartan and sporran - was a construct of the 1790 to 1840 period. A very powerful influence was the fame of the Highland regiments in the service of the British state."

Walter Scott, through his novels Heart Of Midlothian and Waverly, has also been credited by many with making a major contribution to this powerful association of Scotland and Scottishness with tartan.

Tartan is one of Scotland's most instantly recognisable symbols.

**Tartan today**

Tartan continues to be regarded with much affection by countless Scots whether born here, of Scottish descent, naturalised citizens or children of immigrants, and even those of no direct connection with Caledonia who simply find the pattern aesthetically pleasing.

It is worn by those who follow the Scotland football team (the Tartan Army) but equally by those fans of the Scottish rugby team. It is of course always very much in evidence at weddings, ceilidhs, graduation ceremonies, receptions, galas, balls, openings, and Highland shows.

Tartan's popularity does not end with formal wear. Neil Armstrong, the first man on the moon (*Apollo 11*) was reported to have carried a swatch of Armstrong Tartan with him. Alan Bean (*Apollo 12*) was apparently accompanied by a piece of McBean Tartan the pieces of which he later distributed to various McBean societies throughout the world.

Fashion designers such as Vivienne Westwood, Ralph Lauren and Jean Paul Gaultier have used traditional Scottish tartans for many years in their designs, suggesting tartan is popular with both designers and consumers.

Various organisations have claimed or commissioned their own tartan, perhaps to highlight a link to Scotland or possibly just to gain the kudos perceived to come from having their own tartan. Those with their own design outwith the more obvious clans, regions and bodies within Scotland include: American states, Canadian provinces, foreign military units, fire brigades, many corporations such as British Airways, Amnesty International, the French Bretons, the Spanish Galicians, numerous football clubs including both Celtic and Rangers, and a number of schools and universities.

Whatever the origins of tartan, the endurance of its popularity and its powerful association with Scotland are without dispute.

Tartan remains not only powerfully associated with Scotland and Scottish identity but also widely contested in terms of its symbolic value and meaning within Scottish society. For example Kellas (1990, p.242) in a discussion of pre-devolutionary Scottish politics comments on
the influence of tartan, and other associated symbols of Scottish identity, upon conceptions of Scottish identity and on Scottish politics as follows:

“Many of the symbolic aspects of Scottish nationality are derived from Highland, rather than Lowland, culture. Tartans, kilts, clans, bagpipes, and country dancing are now built into the Scottish image, although before the nineteenth century Lowland Scots despised the ‘barbaric’ Highlanders and supported the suppression of the kilt and the clans by the government after the 1745 Jacobite rebellion.

Sir Walter Scott in his novels converted most people to a romantic view of the Highlands, and George IV was prevailed upon to wear the kilt in Edinburgh in 1822, a precedent for the Royal Family ever since. It can be claimed that the Highlands now occupy in Scottish mythology something of the character of the ‘Wild West’ in America: an ideal landscape (‘land of bens and glens’) peopled with rugged individualists. Much of the sympathy for the Highlands is based on the feeling that if its way of life were to perish, Scottish nationality itself would be in danger. This accounts for the adoption of pseudo-Highland ways in the Lowlands, and for the support given for public expenditure to prop up the Highland economy”.

Devine (2003, p.354) links the adoption of tartan, as a symbol of Scottish identity, as directly related to Scottish participation in the British empire. Devine comments that:

“The tartan cult is also a reminder that Britishness is also a part of Scottishness. By the later eighteenth century one could not exist in the same form without the other. Arguably, then Highlandism was in large part a direct response to the cultural implications of the union and empire. As one writer has put it, ‘As Lowland Scotland becomes more and more like England, it turns to the Highlands for symbols and beliefs to maximise the difference. It was one of the many ironies in this story, however, that as the evolution in attitudes to Gaeldom was gathering speed, the traditional Highland world was being broken up by commercialisation and clearance’.

The Stage One debate on the Scottish Registers of Tartan Bill, during the previous Parliamentary session, reflected the contested history of tartan but also suggested that the position of tartan as a key signifier of Scottish identity offered significant opportunities for Scotland in the 21st Century. For instance, the then Deputy Minister for Enterprise and Lifelong Learning, Allan Wilson MSP, observed:

“I welcome the opportunity that today’s debate gives us to look at one of Scotland’s most iconic and readily recognisable images – tartan. The subject evokes a wide variety of differing and complex views. It can be argued either that tartan is an essential and integral part of Scottish identity and our history or that it is a product and image popularised by a sentimental and largely outdated vision of Scotland. Some see the association with tartan as a valuable link with diaspora Scots across the world or as a romantic distraction from a modern Scotland – a reminder of our bloody past and military traditions. It can be argued either that the image of tartan belongs to Scotland’s past or that tartan continues to play an important role in Scotland’s economy and cultural identity. For what it is worth, my view tends towards the latter”

PREVIOUS BILL

During the second session of Parliament, Jamie McGrigor MSP, introduced the Scottish Register of Tartans Bill [SP Bill 76]. The Bill proposed the creation of a publicly accessible Scottish register of tartans to provide an archive of tartans, whether created in Scotland or elsewhere. It was proposed that the Register would be maintained by a Keeper who would be appointed by the Crown on the recommendation of the Scottish Parliament following other legislative precedents for appointing Commissioners. The former Enterprise and Culture
Committee was the lead committee on the Bill and consulted on the provisions of the Bill. The main arguments presented for and against the Bill are summarised in the table below.

Table 1: Summary of arguments presented, in response to the Enterprise and Culture Committee consultation, for and against the previous Scottish Register of Tartans Bill

<table>
<thead>
<tr>
<th>Arguments For</th>
<th>Arguments Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Would create one official register with legal authority, rather than the unofficial registers which currently exist.</td>
<td>• Because the other registers would not necessarily disappear, this would simply create another register, which could cause confusion.</td>
</tr>
<tr>
<td>• Tartan registration would not remain exposed to private commercial risk.</td>
<td>• It is a “toothless tiger” with no rights to, or in connection with, the use of tartan.</td>
</tr>
<tr>
<td>• Official register will improve tartan image and give confidence to its users.</td>
<td>• “Reinvents the wheel” given that the Scottish Tartans Authority already exists and is widely accepted and respected as an effective and reliable register.</td>
</tr>
<tr>
<td>• Bill provides commercial neutrality for Tartan register.</td>
<td>• Depends on co-operation of existing registers, which cannot be guaranteed.</td>
</tr>
<tr>
<td>• Keeper serves function of reassuring the public about whether a tartan design has previously been registered.</td>
<td>• Expensive, compared to the existing registers.</td>
</tr>
<tr>
<td>• Benefits to Scottish tourism, and tourism related activities, like genealogy and the marketing of Scotland (many expect a tartan register to exist and are surprised that it doesn’t).</td>
<td>• Would open floodgates for many more public bodies with similar status, thus stretching Parliamentary staff and budgets.</td>
</tr>
</tbody>
</table>


During the course of Stage One evidence it became apparent that some of the existing privately held registers of tartan were not necessarily agreed on how the register of tartan should be taken forward. In particular there was not agreement between two of the principal existing registers – the Scottish Tartan Authority (STA) and the Scottish Tartans World Register (STWR). In evidence to the Enterprise and Culture Committee Jamie McGrigor MSP commented on the need for a register and the lack of agreement between existing organisations in the following terms (Enterprise and Culture Committee, 2007, Col 3521):

“It is clear to me – and I hope also to the committee – that the existing registers are neither complete nor consistent in their approach. It is unlikely that the organisations will ever reach agreement. They will slowly diminish in number and the registering of tartan will wither on the vine with the result that the information will be lost to the Scottish people.

For those reasons, the establishment of a national register of tartan that is publicly owned and controlled in Scotland would safeguard the information that is recorded on tartan for the future. Such a register would not be dependent on individuals or sections of the industry for continuance of funding. It would be neither industry-led nor subject to the influences of those in the industry who have a vested interest in the commercial nature of the contents of their register. A publicly
owned register would be commercially neutral, safeguarded for the future, and accessible to everyone.

From the submissions, I note that some believe that the STA register should be given official status; a view that I believe stems from the STA and its supporters. Although the STA recognises and promotes the need for a register, it does not fully understand that any keeper who is appointed or register that is established by the Parliament must be independent and not subject to control by any part of the industry. Anything else cannot be said to be independent. The STA proposal would also result in a continuation of the current parochial squabbling”.

During Stage One consideration of the previous Bill the Scottish Executive offered to further explore the legislative and non-legislative options with the existing tartan registers and that Scottish Enterprise would commission an economic impact assessment of the tartan industry. The then Deputy Minister for Enterprise and Lifelong Learning commented on the approach of the Scottish Executive towards the Bill during the Stage One Parliamentary debate as follows:

“Further consideration of the proposal for a Scottish register of tartan is merited, and I propose to take that work forward by carrying out an economic impact assessment of the importance of the tartan industry in Scotland and by considering the potential economic and promotional advantages of introducing a national register. Moreover, I suggest that the Scottish textiles team and my officials engage with key players in the tartan industry on possible legislative and non-legislative options and on the way forward for a national register of tartan in Scotland” (Official Report – 7 February 2007).

As a consequence of the offer made by the Scottish Executive Jamie McGrigor MSP withdrew his Bill on 16 February 2007 in order to allow the Scottish Executive to take forward their proposals.

**ECONOMIC IMPACT OF TARTAN**

Scottish Enterprise’s National Textiles team commissioned ECOTEC to undertake an economic impact assessment of the tartan industry in Scotland. ECOTEC submitted their report to Scottish Enterprise in May 2007.

The ECOTEC report provided an overview of the Scottish textiles sector and the position of the tartan industry within that sector. The economic impact of tartan was analysed and debates regarding a register of tartans considered prior to a range of recommendations for the development of the tartan industry being made. The main findings to emerge from the ECOTEC report are summarised in the table below.
Table 2: Main Findings of the ECOTEC report

**Textiles and Tartan: Profile and Prospects**

- On the basis of ‘best fit’ industry definition, we estimate the current employment base directly supported by the textiles industry to be in the region of 17,000 jobs.
- The associated business base for the industry comprises some 450 business establishments. An increasing number of Scottish companies are operating internationally, with these organisations tending to outperform industry averages in terms of turnover and financial profitability.
- In terms of industrial organisation, the textiles sector is progressively seeking to move up the value chain, with the industry being characterised by a higher skills profile, a primary emphasis on ‘quality’, and an increasing focus on design-related aspects of the production process.
- Scotland’s tartan industry comprises a substantial component of the national textiles sector. It is estimated that there are currently some 200 tartan-related enterprises operating in Scotland, with perhaps one half of these representing kiltmakers.
- There are many examples of innovation on the part of individual tartan companies as they respond to changing markets. Examples include licensing arrangements in the Far East and developing contemporary markets, ranging from high fashion to football supporters.
- Whilst there is evidence of appropriate approaches to marketing including eCommerce on the part of individual businesses there is less evidence of joint approaches to marketing initiated collaboratively from the industry itself, in a similar way to the cashmere sub-sector for example.

**Tartan: Economic Impact Contribution**

- Our analysis reveals that the tartan industry is a very significant contributor to the overall Scottish economy; one which is larger in economic terms than suggested by previous industry estimates.
- The direct employment contribution, and including indirect and induced employment effects, the total employment impact of tartan to Scotland is estimated at approaching 7,000 jobs – equivalent to approximately 0.5% of all employment in Scotland, or 3% of all manufacturing employment in Scotland.
- Tartan’s overall contribution to Scotland’s GDP is equivalent to approximately £350 million per annum – equivalent to over 0.5% of national GDP.
- As a significant employer in the Scottish economy, the tartan industry is also contributing in the region of £100 million per annum in terms of real disposable income available to residents.
- In addition to its direct contribution, importantly, the tartan industry is also contributing in the region of £100 million per annum in terms of real disposable income available to residents.
- In addition to its direct contribution, importantly, the tartan industry also supports jobs and outputs across a range of sectors, but notably in retail / wholesale and business services, through supply chain linkages and employee expenditure effects.

**Tartan: Registers**

- The Draft Members Bill has prompted a much needed and valuable debate concerning how best to maximise the benefits of tartan to Scotland.
- Most of the industry are agreed on the principle of a single national register and that the industry would suffer no obvious disadvantage.
• The two existing private registers provide an invaluable resource but are at risk due to their private status and lack of clarity concerning sustainability
• The two registers share much in terms of their mission to further enhance and support Scottish tartan. The differences between them revolve around control and eligibility criteria
• Using different categories with a phased approach (clans, regiments, older uncontentious ones) promises a way forward
• There is wide agreement that the Lyon Court (though not the Lord Lyon himself) would be the most appropriate place for the Keeper of the National Register to sit
• A single national, public register should significantly benefit the industry through providing enhanced marketing capability and profile. It will also make a contribution to other aspects of the economy, notably in terms of culture and heritage, although these effects may well be intangible and inherently problematic to quantify
• The key to unlocking the way forward is to consider the public and commercial components of registering tartan and associated educational/promotional activity as separate

**Tartan: Industry Development**

• The issue of tartan registration is not central to sector development despite the interest it generates. If a National Register of Tartans were established, the existing added value services provided by STA (e.g. informational, educational) could continue (on a ‘consultancy’ basis), but the underlying function to record tartan would pass to the new register. The detail of how this might work in practice can be worked out by bringing all parties together to agree a way forward
• The issue of registers needs to be seen in the context of wider development needs of the tartan sub-sector. Many of these issues may be addressed most appropriately through existing textile-sector wide fora and other mechanisms
• Whilst there is evidence of appropriate approaches to marketing including eCommerce on the part of individual businesses there is less evidence of joint approaches to promotion and marketing initiated collaboratively from the industry itself, in a similar way to cashmere sub-sector for example
• While the STA restricts access to some information on tartans, much of this information can be obtained elsewhere in any case, restricting the value of the registration service to members

**The Way Forward**

• Partners should further explore how the tartan sector of the industry might best be supported by Scottish Enterprise to increase collaborative, pan-sectoral marketing activity directed at further exploiting commercial opportunities offered by tartan
• Consider providing support to an appropriate promotional body (industrial association) for the tartan sector. Following best practice for such bodies, which are common across the wider economy, this association would: provide a forum for promoting the whole tartan industry; develop and operate a brand or kite-mark to differentiate high-quality products; educate retailers; and take a co-ordinating role in export promotion

**SCOTTISH REGISTER OF TARTANS BILL**

The Scottish Register of Tartans of Bill proposes:

• The creation of a publicly held and maintained Register of tartans
• Setting up a system for registering new tartan designs
• A statutory definition of tartan for the purposes of the operation of the Register
• Conferring on the Keeper of the Records of Scotland the functions of keeping and maintaining the proposed Register and of overseeing the registration of new tartan designs, and
• Providing Scottish Ministers with a power to specify, by order, fees for services provided in relation to the Register such as the registration of new tartans and provision of copy material from the Register.

Section 1 of the Bill establishes that the proposed register will be a repository for, and a source of information about, tartan. The purposes of the Register are the same as those previously provided for in the Session 2 Bill however on that occasion the proposed Bill (Section 1 (3)) also stated that:

“In particular, this Act does not create any rights to, or in connection with the use of, any tartans registered in the Register and does not require any person to have a tartan registered before that person can weave, sell or otherwise deal with it” (Scottish Parliament, 2006)

Whilst this is not stated in the current Bill this position remains the same. The Policy Memorandum to the Bill (p.4) does state that:

Registration of a new tartan design will not confer any intellectual property rights such as copyright or design right upon the person registering the tartan design. Nor will registration have any effect upon any existing intellectual property rights in such a tartan design. Intellectual property is a reserved matter under Section C4 of Part II of Schedule 5 to the Scotland Act 1998.

Section 2 of the Bill defines tartan as “a design consisting of two or more alternating coloured stripes which combine vertically and horizontally to form a repeated chequered pattern”. This definition is virtually identical to that contained in the previous Bill. The previous Bill recognised that there is no “legal or widely accepted definition of tartan” (Scottish Parliament, 2006b) however the current Bill whilst recognising that the lack of an existing definition highlights that the definition provided in the Bill is the result of consultation with tartan industry experts and the holders of existing private registers during the process of developing the Session 2 version of the Bill.

Section 3 of the Bill establishes that the ‘Keeper of the Records of Scotland’ will take on the role of ‘Keeper of the Scottish Register of Tartans’ and therefore be responsible for the operation of the register. This represents a significant change from the previous Bill where it appeared that an entirely new post would require to be created or as Stage One evidence progressed that potentially the Lord Lyon could fulfil the role of ‘Keeper’. The Policy Memorandum to the Bill indicates that the Keeper will consult with the Lord Lyon and other sources of tartan expertise in order to fulfil the functions conferred upon the Keeper by the Bill. The rationale for this change in approach appears to be to reduce costs and bureaucracy and to deliver a more streamlined and efficient structure from which to establish and operate the Register as the Policy Memorandum (2007b, p.5) summarises:

“Utilising existing public sector resource and expertise to set up and run the Scottish Register of Tartans will avoid the need to create an additional public body or additional public appointment, as envisaged in the original Scottish Register of Tartans Bill, and therefore significantly reduce the bureaucracy associated with the establishment and operation of a Register. This will also serve to minimise the costs of establishing and running a Scottish register. It will also enable due accounting responsibility for the operation of the Register and bring accessibility, transparency and public accountability to its ongoing operation in public hands”.
The remainder of the Bill sets out the functions of the ‘Keeper’, the application process for registering a tartan and the process for amending the content of the register. Lastly Section 14 of the Bill provides Scottish Ministers with a power to set fees to charge a fee for new applications to the register. The level of fees to be charged will be set via Statutory Instrument (negative procedure). The Policy Memorandum (p.6) provides the following rationale for the inclusion of this fee setting provision:

“A reasonable level of charging for tartan registration will ensure that applications for registration are genuine and those seeking registration of a new design are serious enough about the design and its uniqueness to seek to register it in the Scottish National Register. Charging will also act as a deterrent for speculative or inappropriate registrations”.

However access to view, search the contents of, and download basic information from the Register will be free of charge.

The content of the Bill remains largely the same as the previous version introduced to Parliament during the last session. However the policy rationale for the Bill has shifted between the two versions from an emphasis upon the cultural benefits to be realised in the original Bill to a focus on the potential economic benefits of the current Bill reflecting the findings of the ECOTEC report. For example the Policy Memorandum to the previous Bill (p.5) offered the following commentary on the need for a register stated:

“Tartans are now being designed and manufactured all over the world, and in various forms, and there is no single secure central authoritative source listing existing tartan designs. This could mean the same design of tartan being affiliated to several different sources, each believing the design is unique to them. Most importantly, the existing Scottish based organisation who currently register tartans are independently owned and managed and should they cease to operate then the information they hold could be lost to the nation. The creation of a statutory Register would ensure this significant cultural information could be safeguarded for the future. It would also provide reassurance to parties commissioning their own tartan that the design had not previously been registered to others”.

In contrast the Policy Memorandum to the current Bill (p.6) highlights ‘capitalising on commercial opportunities for the tartan industry in Scotland’ as a rationale for the Bill as follows.

“The Scottish Register will have a beneficial economic effect. ..... The Register can become a springboard for the industry to promote itself. It can become a focus for and raise the profile of Scottish-based businesses with an interest in tartan. On the back of the Register, the Textiles Team at Scottish Enterprise will work with the STA to help them develop their promotional and educational capacity and to develop functions that other niche sector trade bodies have undertaken for the collective good of their sector (e.g. the Cashmere Club). ..... Strong and efficient linkages between the Register and the tartan industry in Scotland will also enable draw through of possible commercial benefits and marketing opportunities from the Register and increased interest in tartan and allow these opportunities to be channelled into the Scottish tartan industry for the industry to pursue”.

**KEY DEBATES ON THE BILL**

There were a number of key areas of debate during the scrutiny of the previous Bill which may be of relevance in relation to the consideration of the Bill. These are briefly considered below.
Why Legislate?

As the Policy Memorandum to the Bill (p.4) states:

"Registration of a new tartan design will not confer any intellectual property rights such as copyright or design right upon the person registering the tartan design. Nor will registration have any effect upon any existing intellectual property rights in such a tartan design. Intellectual property is a reserved matter under Section C4 of Part II of Schedule 5 to the Scotland Act 1998".

This was a theme during evidence on the previous Bill for example a respondent to the former Enterprise and Culture Committee’s consultation on this issue asked the following question:

"Is any damage being done to the Scottish economy by “unregulated tartans?”
If the answer to that is “No”, then Parliament has no business debating this at public expense.
If the answer is “Yes”, then a bill which includes in its first section the wording

“The purpose of the Register is only to provide a depository or archive of tartans for reference and public information purposes….this Act does not create any rights to, or in connection with the use of, any tartans…and does not require any person to have a tartan registered before that person can weave, sell or otherwise deal with it”

(Cited in Burnside, 2006, p.6)

During the passage of the previous Bill a range of consultation respondents contended that the key benefit would be to create an official register rather than the current position with a number of unofficial, privately run registers. The Policy Memorandum to the current Bill (p.4) highlights similar benefits arguing that:

“The Register will be sustainable in the sense that it will be established permanently and in perpetuity for the nation. A statutory Register will also mean tartans and ancillary materials such as samples and historical notes previously held in the existing private registers will be preserved and are not exposed to risk of being lost or damaged, or public access being restricted for the commercial gain of particular sectoral interests”

In addition the Policy Memorandum also highlights the potential benefits of the Bill to wider efforts to promote Scotland internationally and to encourage cultural, tourism and genealogical links to Scotland. Commenting on alternative approaches to legislation which could be adopted the Policy Memorandum states:

“Doing nothing would mean the existing tartan records would remain privately held, piecemeal, relatively inaccessible, and run by a relatively narrow, commercial and sectoral interest. There is also a risk that information in the privately held registers may be restricted for commercial or individual gain or lost or damaged and, as they are dependent on the efforts of a handful of key individuals, there is also a risk these registers will become unsustainable in the long term. Doing nothing would miss an opportunity to establish a permanent Register in Scotland.

It can be argued that creating a Register through an administrative route could help preserve the existing tartan records and make them more publicly available. It would not, however, ensure the long term sustainability of such a Register and leave such a Register more exposed to the possibility of subsequent changes to administrative priorities or funding shifts. In view of the importance of tartan and the evidence of the economic impact study, the legislative route is preferred.
The role of existing registers

During consideration of the previous Bill there was considerable debate about how the proposed register would relate to existing, privately run registers (see Burnside, 2006). In particular the STA was keen that it should act as host to the register. However it is understood that all the existing registers are agreed on the approach contained in the Bill and that the existing registers are working with the National Archives of Scotland to integrate their registers into the register proposed in the Bill. The Policy Memorandum (p.7) states:

“The basis of the data sharing agreement reached with the STA and the STWR industry envisages that the tartan experts in the STA and the STWR will provide ongoing support and expertise to the Register. It also envisages Scottish Enterprise supporting the STA to build capacity and develop its educational and promotional activity to promote and grow the tartan industry in Scotland”.

The role of the Keeper

As noted above the Bill proposes that the Keeper of the Records of Scotland (KRS) will take on the role of Keeper of the Scottish Register of Tartans. The previous Bill required the creation of a new post of Keeper and there was considerable debate during the consideration of the previous Bill on the potential cost of creating such a post and why such a post should be established along the lines of a parliamentary commissioner model (see Burnside 2006). The change in the current Bill to establishing the role of Keeper within KRS represents an attempt to resolve these issues which existed previously as well as providing a means to minimise the cost of the proposal.

FINANCIAL IMPLICATIONS OF THE BILL

The financial memorandum within the Explanatory Notes provides a detailed financial breakdown of the cost of the proposed Bill. Set up costs of £100,000 are being met from within existing resources by the National Archives of Scotland. An intergovernmental resource transfer of £75,000 per year from the Economy portfolio to the National Archives of Scotland will cover the annual running costs in the first three years of operation. Reflecting the hosting of the Keeper within the National Archives of Scotland the costs identified in the Bill are lower than those contained in the previous Bill which estimated set-up costs of £137,868 and running costs of £95,386.

As noted above the Bill also proposes the levying of a fee to register new applications. Fee income from new applications is estimated as between £9,600 and £24,000 per annum dependent on the level of fee charged and based on an estimate of 120 new applications per year. In addition the financial memorandum estimates income from fees for provision of copies of documents, provision of duplicate certificates, and access to the documents and records and applications to amend the Register of between £2,880 and £4,800 per annum.

Overall the Financial Memorandum states:

“As the Register is a new initiative, and there is no precedent to draw on, these forecasts cannot be exact. Allowing for a reasonable margin of error, it can be assumed the estimated income from the Register could be between £10,000 to £30,000 per year. It is not therefore anticipated that full cost recovery will be possible. If the Keeper determines, this fee income may be used to promote, improve and refine the Register” (Scottish Parliament, 2007a, p.12).
PARLIAMENTARY SCRUTINy

The Economy, Energy and Tourism Committee has been designated as the lead committee on the Bill. The Committee is expected to begin taking evidence on the Bill in the middle of May.
SOURCES


SCOTTISH REGISTER OF TARTANS BILL - WRITTEN SUBMISSIONS

1. Members will find attached in annexe A copies of all the written submissions received relating to the Scottish Register of Tartans Bill.

Stephen Imrie
Clerk to the Committee
May 2008
ANNEXE A

Contents

1. Campbell Alistair
2. Cheape, Hugh Dr
3. Kilt Makers Association of Scotland (The)
4. Kinloch Anderson, Deirdre A
5. National Museums of Scotland
6. Scarlett, James
7. Scottish Tartans World Register
8. Urquhart, Blair
SUBMISSION FROM ALASTAIR CAMPBELL OF AIRDS, UNICORN PURSUIVANT OF ARMS

General

It is probably not fully understood how important tartan is as an icon to many millions of people around the world.

Here in the Highlands, the Oban Games does well to attract some 5,000 visitors each year. 95 per cent of these are tourists. I have attended, among many others, the Santa Rosa Highland Games in California where over 60,000 visitors attend on each of two successive days. 95 per cent of these visitors are of real or fancied Scottish descent.

To the millions of overseas Scots, tartan plays a major part in identifying and recording their Scottish connection. The recent plan to replace ‘Tartan Day’ in the USA because ‘tartan’ apparently means something to a relatively small proportion of the US population totally misses the point that Tartan means a very great deal to that small proportion who number many times the entire population of Scotland. The same thing could be applied to the large Scottish element in Canada, Australia, South Africa and New Zealand where having Scottish ancestry is a matter of pride and where the wearing of tartan gives it visible expression.

But it is not only the attraction of tartan’s colour and design that appeals; it is the attribution of a specific connection that makes it special, a connection to a clan or family, a regiment, or even a football club. It was probably the adoption of Highland dress by Regiments of the British Army during the 18c that first connected a uniform tartan to a specific group; by the end of that century the idea of Clan Tartans had begun to take root although it is to be noted that even by 1822 and the Royal Visit several Clan Chiefs were having to enquire what their Clan Tartan might be.

This marketing tool was eagerly seized on by the manufacturers who produced ‘clan’ tartans on demand and then extended the idea to produce a bewildering series of ‘District’, other geographic and Commemorative tartans by the hundred. If there isn’t already a Tesco tartan, there no doubt will be.

It has become the convention that it is the Chief of a Clan who designates his Clan Tartan; it seems open to anyone to invent a tartan and call it what they will. Hence the existence on record of a ‘Hunting Campbell’ sett which far from having any further significance, turns out to be the invention of a Toronto resident called Campbell who invented and named the tartan.

Another instance is that of the tartan designed specifically by and for the late Lord Thomson of Fleet which was claimed as his Clan Tartan by the late MacTavish of Dunardry, Chief of the Clan MacTavish, on the grounds that Thomson was the translation of the Gaelic MacTavish.
The current situation is unregulated and this leads to a great deal of myth, confusion and nonsense. This in turn contributes to the equivocal view of tartan held by many Scots.

The Lord Lyon

Unlike tartan, Scottish Heraldry is strictly regulated and backed by the Law; this has led to the Scottish Heraldry system being acknowledged as the best in existence.

The only link with tartan originated with the need to describe and register tartans which appeared in the grant of arms - usually in the form of tartan clad supporters. This was extended to recording in Lyon Court Records Clan tartans when requested by duly authorised Chiefs and of officially designated tartans of States or Provinces or organisations of equivalent status.

Role of the Keeper of the Register of Scottish Tartans

There appears to be no mention in the proposed Bill for a classification role for the Keeper.

I believe that this is a lost opportunity. It may be argued that such a system of classification is implicit and does not have to be spelt out but I suggest the Bill would be a much stronger and effective one if this was the case.

There is all the difference in the world between a duly authenticated Clan Tartan and one invented for purely commercial reasons.

Such a system does exist to a degree in the STA and the Scottish Tartans Register but I believe it should be tightened up and made a specific task for the Keeper.

Such a move would lessen the current confusion on the part of the user of tartan and would very much strengthen the authenticity of tartan to its long-term advantage. It would also increase the authority and standing of the Keeper.

Minor Points

The Policy Memorandum para 4 says that initial lobbying was carried out by a tartan manufacturing industry pressure group; in fact the group of which I was a member and which was later joined by the Lord Lyon had only two members at all connected with the manufacturing - Mrs. Deirdre Kinloch Anderson and Brian Wilton of the Scottish Tartans Authority. Other members were outwith the industry and the focus was very much on the future well-being of tartan as such.
The role of Mrs. Kinloch Anderson in initiating the whole idea of a Bill has been vital to its successful outcome and this should be given recognition.

The appointment of a deputy to the Keeper is to be welcomed; however it needs to be understood that expertise in the subject of tartan is not to be gained overnight and the importance of the role to be played in all this by the two existing bodies - the STA and the STWR cannot be overemphasised.

Summary

The opportunity should be taken to increase the authenticity and standing of Scottish tartans - not merely to assist the commercial marketing of the product. This will in any case benefit but it is important to stress the Register as an independent rather than just a trade-led body. To this end some system of classification of tartans is vital and should be incorporated in the Bill.

But the Bill is very much to be welcomed, and if properly organised will have an entirely beneficial effect on one of Scotland’s most enduring symbols.
SUBMISSION FROM DR HUGH CHEAPE

TARTANS, DYE ANALYSIS AND HIGHLAND DRESS

The National Museums Scotland [NMS] established a multi-disciplinary investigation of the use and significance of colour in tartan, particularly in surviving fabrics of the eighteenth and early-nineteenth centuries, and a research project ran in three phases between 1996 and 2007. Tartan is a distinctive and familiar badge of Scotland and considered widely to be a form of national dress with traditional antecedents. A large and important collection of tartans and Highland dress in the National Museums Scotland was drawn on extensively for a spectacular exhibition in 1988 held at the Fashion Institute of Technology [FIT] in New York and the topic repeated in Scotland in different format in the Edinburgh International Festival in 1989. These enterprises prompted staff to examine tartans more closely and to attempt to offer more by way of history and interpretation, particularly in the light of the ‘invention of tradition’ thesis and reassessment of the significance of tartan for Scottish culture.

Further work, essentially scientific analysis combined with historical research, was initiated in 1996 following a request to authenticate a fragment of tartan which was said to be a piece of a kilt worn by Bonnie Prince Charlie in 1746. A project began with the investigation of the historical background of this small scrap of tartan, and this and a number of other tartan fragments formed an exhibition on ‘Prince Charlie’s Tartan’ in the National Museums Scotland commemorating the 250th anniversary of the Jacobite Rising of 1745-46. This exhibition ran from 23 June until 29 September 1995 and generated a great deal of interest and one or two further donations of tartan fragments associated with Prince Charlie. The exhibition claimed, as far as the evidence allowed, to have discovered the only authenticated tartan actually to have been worn by Prince Charlie and even by the Royal Stewart dynasty. Detailed historical research revealed a compelling story of loyalty and self-sacrifice. Scientific study of the fragment’s wool and dyestuffs told us more about how and when it might have been made.

The sett of the Prince’s tartan appeared to have an overcheck of red and yellow lines on a blue and green ‘ground’. The colours of blue, derived from indigo, and red, derived from cochineal, were popular and fashionable colours in tartan in seventeenth and early-eighteenth century Scotland. Microscopic analysis of the fibres of three fragments of the same historical relic (dispersed in three museum collections) showed that the wool came from much the same fleece-type associated with native breeds of pre-Improvement sheep with shorter fleeces of a finer wool.

The analysis of this and other tartan fragments developed after the exhibition in 1995 into an interdisciplinary research project of national and international significance and interest. This has prompted discussion on colour and
perceptions of colour, and on the use of colour and colour preferences for tartan and Highland dress. Brightness and variety are the essence of tartan and depend on the availability of good dyestuffs and skills of mixing and applying them. Gaelic tradition indicates that bright rather than muted colours were preferred and, in song and praise poetry of the seventeenth and eighteenth centuries, bright red tartan was the invariable byword for high fashion and status; a phrase such as *breacain charaid* (i.e. ‘scarlet tartans’) is a stock metaphor in praise-poetry. It is no coincidence that most of the early surviving portraits with Highland dress show varieties of red tartans. The import of dyes into Scotland from an early date taken with the demand for strong reds in tartan should contradict a perceived remoteness of the Highlands and Islands. There has been a tendency to assume that before chemical and synthetic dyestuffs became available in the early-nineteenth century, natural home-grown dyes only were used in Highland dress and that ‘native dyes’ must consist of materials available to hand and varying according to localised conditions of climate, geology and flora. In fact, as we have seen, the red and blue of the Prince’s tartan, employing the most difficult colours to obtain from native dye-plants, were in fact from the imported dyes of cochineal and indigo.

The NMS survey work broadened to look at surviving tartan fabrics in the national and other collections, for example in the West Highland Museum, Fort William, the Highland Folk Museum and the Inverness Museum, concentrating on well-provenanced material. Research included the making of tartan, the relationship between tartan manufacture and the Scottish textile industry at the time, and the political and cultural significance of tartan around the time of the Jacobite Wars, the Disarming Acts and the Highland regiments recruited for Britain’s imperial wars. Questions asked were whether dyestuffs were derived from native plants or imported, what were the dynamics of dying and trading connections, and what was the nature of the industry between polarities of a handloom in the house and factory production. The Scottish textile industry in the eighteenth and nineteenth centuries was notable for its inventiveness, creativity and entrepreneurial acumen, and leading the field in the production, differentiation and naming of tartans was the firm of Wilsons of Bannockburn who also supplied uniforms for the Highland regiments. In the contemporary atmosphere of European romanticism, this intense activity of supply and demand - a demand which, according to Messrs Wilson, was at times difficult to satisfy - gave rise to assumptions that tartan and Highland dress were inherited from antiquity and that the respective sets or patterns represented immutable and longstanding tradition and a more or less precise badge of clanship. Today a critique prevails, enshrined particularly in the ‘invention of tradition’ thesis, which developed from a London conference in 1983 and dismissed these concepts.

The NMS tartan and dyestuffs project continued more recently by looking specifically at ‘tartans’ worn by women and women’s plaids. The ‘arisaid’, for example, was an item of dress worn by women as an outdoor or overgarment, consisting of a large square of fabric, coloured or of tartan, worn over the shoulders, fastened with a brooch and hanging low towards the
ankles. As such, it appears to have been a form of 'plaid'. The term 'arisaid' as Scots or Anglo-Scots derives from the Gaelic *earasaid* and indicates significantly that such a garment was a part of Highland dress and merits mention in the early dictionaries of Scottish Gaelic. Evidence for the 'arisaid' is otherwise sparse or the term is not overly conspicuous in contemporary sources. What evidence there is to be found suggests that, although it had been a high-status garment, it was going out of fashion by the late-seventeenth and early-eighteenth centuries. The purpose of this phase of research was to throw more light on the nature of the garment and its history, and to learn more about female dress in a society in which a patriarchal ideology predominated and ultimately supplied the impetus for the creation of a male stereotype of national dress - the kilted Highlander.

Clothes are powerfully indicative of status and there has been a strong 'clothes language' in Gaelic Scotland which was in danger of being lost as the position and status of the Gaelic language had been eroded. The 'arisaid' as object and name was deemed worthy of investigation.

Colour and quality were evidently important for eighteenth and early-nineteenth century tartans and research showed that reds and yellows, for example, which appeared to have been popular in early tartans and supplied the bulk of surviving evidence derived from imported rather than 'native' dyestuffs. Trading connections were vigorous and enabled dyestuffs to be imported into Scotland from an early date. They are evident in the earliest surviving sources, for example, madder and woad in the late-fifteenth century and indigo in the seventeenth century, and insect reds being used rather than madder when they became available. These materials became widely available through travelling traders and a dynamic network of fairs and markets. Demand and expectations were high in areas now perhaps perceived as remote from the larger market centres and evidence showed that there was regular and frequent communication between the Hebrides and the Clyde.

Analysis of a considerable number of samples showed that cochineal was used in order to give a more dramatic and colour-fast red and, with tin mordants, cochineal was consistently brighter than madder. Yellow dyes identified in analysed samples more often derived from native plants such as heather, bog myrtle and gorse and trees such as silver birch and willow, but dyestuffs from imported materials such as weld and old fustic were also found. In terms of native dyestuffs, heather as a natural yellow dye was very effective, long-lasting and resistant to fading and, from the samples tested, appeared to have been one of the few 'home-grown' colours used. Results showed that imported dyes were greatly preferred to native sourced materials and that perceived remoteness from markets did not significantly affect patterns of demand. The NMS Dye Analysis project has demonstrated the value of museum collections for evidence-based research and the research processes and results have been disseminated in peer-reviewed journals and in talks to specialist groups.
Publications by National Museums Scotland relating to dyestuffs and dye analysis, 1996-2008


SUBMISSION FROM THE KILT MAKERS ASSOCIATION OF SCOTLAND

I submitted written evidence in regards to the initial call in November 2006 on behalf of The Kilt Makers Association of Scotland and since the main principles of this Bill do not differ substantially from those of the original I would confirm that they are still applicable and I continue to add my support of the Bill and would make the following comments.

I have read the contents of the Documents SP Bill 8 and accompanying documents and agree with and commend what has been written, mainly that tartan is one of Scotland’s most instantly recognised symbols and is uniquely Scottish and The Register of Tartans under the supervision of The Keeper of Tartans will create a safe accessible national repository of all old and new tartan records.

Although the existing tartan associations did fulfil a function of tartan registration they each had a commercial interest, the registers were privately held and not very accessible.

It is most important that there is consultation and involvement with STA, STWR, major tartan mills and tartan experts and it appears that this process has occurred and is likely to continue into the future.

I therefore support the establishment of a Scottish Register of Tartans and The Keeper of the Tartan to maintain and oversee the Register and new registrations all as set out in the documents accompanying the Bill.

Yours sincerely

Duncan F Chisholm
(Chairman)
SUBMISSION FROM DEIRDRE A KINLOCH ANDERSON

From the outset this project has addressed the perceived value to Scotland of a National Tartan Register in its widest sense: the issue is a national one and not one confined to those who work within the Tartan Industry. The recognition and indeed the love of tartan is worldwide and the Register will, I believe, have international implications for the profile of Scotland, the tourist industry, education and inevitably also for the economy. The ECOTEC Assessment in fact came to that conclusion as well. However, the Register itself will essentially be an archive and holder of tartan records and all other tartan related activities will continue to be fulfilled as previously.

This project has taken five years to reach this point. Regular meetings and discussions have been held throughout and the knowledge and contributions from many highly skilled in their field (and certainly not all textile or tartan related) have enabled the SPICe Briefing to be given to you in advance of this meeting. This Briefing provides you with detailed and accurate information and indeed addresses and undoubtedly answers many of your questions. Whilst we have endeavoured to create a structure for the Tartan Register that will be fit for purpose and have looked into as many implications and outcomes as possible, any questions or concerns raised could well be helpful in identifying issues that have been overlooked as inevitably some ‘teething problems’ will occur during the initial stages of the Register.

I notice in a quotation in the SPICe Briefing that “it can be argued either that the image of tartan belongs to Scotland’s past or that tartan continues to play an important role in Scotland’s economy and cultural identity” and that he says he “tends towards to the latter”. I believe it belongs to both. It belongs to our culture and I trust it will always remain a great Scottish cultural icon. This Register is fundamental to that cause.

I am indeed grateful to you for your interest and your support.

Deirdre A Kinloch Anderson
6th May 2008
SUBMISSION FROM DAVID H CALDWELL

I welcome the proposed legislation to create The Scottish Register of tartans. I believe there is a need for this, and the establishment of a register will increase interest in, and understanding of, tartan. The Register should also facilitate scholarly research into this quintessentially Scottish textile.
SUBMISSION FROM JAMES D SCARLETT

If the Register can restore some dignity and quality of design to tartan much good will be done, but it must be remembered that tartan is primarily an important item of the Highland heritage and became 'Scottish' only by diffusion and commercial acumen. I see no PRACTICAL use for the Register except as a basis for the academic study of tartan per se and, by the same token, I do not see how the Register can be maintained without some academic backing. An early involvement with a University would, I think, be useful.
SUBMISSION FROM SCOTTISH TARTANS WORLD REGISTER

The following principles should be followed in the creation of a Tartan Register Bill.

1. The bill should not seek to control tartan but to record it providing a reference point to the general public.
2. The commercial neutrality of the Register must be ensured.
3. The fact that the Register exists should not fix the culture of tartan so that it cannot develop or limit the commercial opportunities it offers the Industry.
4. Tartan is the culture of the people not that of the Tartan trade.

Below are comments made shown against various paragraphs of the ‘Scottish Register of Tartans Bill (as introduced)’

Section 1 The Register
Para (2) (a) and (b)
There is no mention of “Authority” here, quite correctly. The only authority The Register should have is its existence.

Section 2 Meaning of Tartan
A tartan is a woven pattern. This Register should be a Register of woven tartans. They have been historically and culturally woven and were considered a cloth or plaid. Their images were not possible to produce accurately until the advent of cameras and computers. Those in painted portraits are only approximations.
Computers can produce faithfully the two dimensional patterns. They can also be used to create new designs. These may be an aid to future customers or weavers but are not tartans until they are woven.
Computer tartan images can be produced easily in large numbers, even by mathematical formulae, so would lead to trivialisation. This is not with in the interest of the tartan industry. The investment and commitment needed to get tartans images woven provides an added guard against trivialisation. Should it be considered that unwoven designs need recording on the register then a separate section and system of recording them until they are woven should be adopted. They should not be seen as tartans until woven.

Section 6 The Application
This section as it stands seems to want to limit by filtering the creation/development of tartan and its culture. It places hindrances on those who create produce and promote tartans. It will interfere when there is a likelihood of commercial success or where Scottish relations and liaison are developing.
Para (3)
There are plenty of successful tartans where the proposer had no authority to create them. (Scottish National, California, New South Wales, Australian
National, Irish district, etc...) They were put in the public domain becoming accepted by use and usage. Some were then formally acknowledged.

Para (7) (b)
If a tartan must be woven then a computer image must be accompanied with the proof it has been woven.

Para (7) (d)
A business that proposes a tartan may well have no association with its name but sees it a good commercial proposition.

Para (8)
The application of one name for one tartan design is likely to be difficult to enforce particularly worldwide.

The name of a tartan is its most important single selling point.

There is no reason for a body not to have different tartans with the same name. It has happened with Football Clubs (Aberdeen, Celtic, Rangers) and also with families. The competition between the Bell family organisations led to multiple Bell tartans for example.

To demand just one name per tartan means that the first to record a tartan on the register has the advantage of the name. This would be giving the Register what Intellectual Property law does not. (You cannot copyright a name). As such it could give a marketing advantage over a competitor although the tartan may not satisfy the users or the cultural demands of that tartan.

If this is followed then the Keeper should be given wide discretion over what tartans are called as well as the system adopted in their naming. I don’t recommend this

Para (9)
If a tartan must be woven then a computer image must be accompanied with the proof it has been woven.

Section 7
Para (2) (iv)
See my comments Section 6 para. (3)

Other Comment about the Bill
No arrangement has been made for the Keeper to take a Registration / Recording of a tartan that come to his attention but not formally put forward to him.

Conclusion
As this bill stands there is a danger that it will encourage an environment where tartans will exist outside being registered. This happens because the application criteria of what can be on the Register are too restrictive.

If a tartan looks like being profitable then it will be produced regardless. Commercial conflict will be likely with some other business formally registering
a different tartan but with that name, trying to cash in on the profitability in the use of the Register.

Keith Lumsden,
Registrar
Scottish Tartans World Register
SUBMISSION FROM BLAIR URQUHART

About Blair Urquhart
Designed and defined the first computer database for recording tartans in 1992 which is still used by all. Grant funded in 2006, by the Scottish Executive through the STA, to update and enhance the data management software.

Qualifications and Interests
A Bachelor of Arts (Fine Art), journalist, film maker, software engineer, businessman, member of STS (expelled) since 1989, and founder member of the STA. I have a great personal interest in the heritage of European costume and work regularly for Archnetwork, an EU funded NGO based in Scotland promoting cultural heritage links with Europe.

Regarding the definition of tartan.
(My contention is that tartan is first and foremost a fabric, distinguished from other fabrics in that it is woven with self coloured threads in stripes that are broadly symmetrical in repeating patterns of 6 inches or thereabouts, and that the warp and weft are broadly the same.

If the definition was to call tartan primarily a "design" or a "pattern" then you would be left with the rather awkward statement that it was design that could only be applied to a woven fabric by pre-dying the threads.

Mention of 'threads' later in the document appears to make the assumption that tartan is a fabric.

It is my opinion that the Scottish Register of Tartans MUST BE A CLOTH ARCHIVE. The original Tartans Society members, Capt Davidson, D.C.Stewart and others, even went to the trouble of sewing the "name" label on to the cloth sample, so strong was their belief that the real historic evidence was contained in the cloth itself.

Regarding the apparent questionable specifications in my definition. I stand by these assertions. For example:

"Self coloured threads". The Balmoral tartan designed by Prince Albert, Queen Victoria's husband, contains a twisted yarn of 2 colours, woven as a single thread. This appears to flout the rules, and it does. The resulting "tartan" looks a bit odd. It is almost a tweed. It is clear that the definition of tartan has been broken. To my mind this only strengthens the intrinsic weight of the definition.

The asymmetrical tartans.
It only take a brief glance to see that these tartans are in the greatest part, symmetrical. The more that the pattern departs from the the symmetrical rule, the less like a tartan it becomes. I stand by the definition "broadly symmetrical". The same applies the differences in warp and weft.
The 6 inch rule.
Some existing traditional patterns are much bigger than 6 inches, but a quick look shows that many of these larger setts are made up of 6 inch blocks. In fact the tartan thought to be the largest sett for many years (STS circa 1975) was the "New Brunswick". It clearly pays homage to the six inch rule. Modern looms allow the weaver to do things that were simply not possible in the era when traditional tartans were originally defined.

Rules are made to be broken and no one of these rules should exclude a tartan from the records. However, it could be said that if a submission to the register breaks ALL the rules, then it must go, but this not important. The keeper will, no doubt, conceive a form of words that the tartan submitted is too far from the traditional form to be included in the register.

**Regarding names for tartans**
(Ref:8) I disagree with the bill where is says that only one tartan can be registered with the same name. This is not true historically, and would introduce all kinds of contention.
ECONOMY, ENERGY AND TOURISM COMMITTEE

10th Meeting, Session 3

Wednesday, 14 May 2008

ANNUAL REPORT

Background

1. Committees are currently required to produce annual reports on their activities in each parliamentary year. The annexe to this report contains a draft for the year 9 May 2007 to 8 May 2008. These reports must adhere to a specific format and length.

Recommendation

2. The Committee is invited to discuss and agree its annual report and task the clerk with making arrangements for publication.

Stephen Imrie
Clerk to the Committee
May 2008
ANNUAL REPORT 2007-08

The Committee reports to the Parliament as follows—

Introduction

1. During the parliamentary year from 9 May 2007 to 8 May 2008, the Economy, Energy and Tourism Committee used its first few meetings to explore issues relating to the different strands within its remit and then to launch two inquiries. These will cover the efforts need to increase revenue from tourism and then a determination of Scotland’s energy future (from May 2008). The Committee also considered UK legislation under as part of a legislative consent memorandum, scrutinised a number of statutory instruments, completed its efforts to look at the Scottish Government’s proposed budgets for 2008-09 and organised two major events, the Business in the Parliament Conference and a seminar on productivity with the STUC.

Inquiries and reports

Growing pains: can we achieve a 50% growth in tourist revenue by 2015?
2. The remit for the inquiry was to inquire into the feasibility of meeting the Scottish Government’s ambition for a 50% increase in revenue from tourism by 2015, to identify the key challenges and suggest measures to overcome these.

3. In addition to taking evidence on a broad range of related themes, a delegation of the Committee undertook fact-finding visits to Inverness and to Iceland and the whole Committee met formally in Aberdeen.

4. The inquiry is continuing and is expected to be completed by June 2008.

Energy Technologies Institute
5. The Energy Technologies Institute (ETI) is a public-private partnership body established by the UK Government to accelerate the development of secure, reliable and cost-effective low-carbon energy technologies towards commercial deployment. As part of the process, a UK-wide competition was held for the site of the ETI. One consortium of universities of Scotland took part in the competition but was unsuccessful. The Committee continues to investigate the reasons for this and the lessons to be learned. The inquiry is expected to be completed by June 2008.

Bills

Scottish Register of Tartans Bill
6. The Scottish Register of Tartans Bill – a non-Executive legislative proposal to establish a national register of tartans – was introduced by Jamie McGrigor MSP on 25 March 2008. The Economy, Energy and Tourism Committee has been designed as the lead Committee and has commenced its scrutiny of the general principles of the Bill. The Committee will issue its report in due course.
UK legislation
7. During the year, the Committee also considered the Dormant Bank and Building Society Accounts Bill (UK Parliament legislation) as part of a legislative consent memorandum

Subordinate legislation
8. In this parliamentary year, the Committee dealt with two affirmative instruments—

- the draft Renewables Obligation (Scotland) Amendment Order 2008, and;
- the draft Official Statistics (Scotland) Order 2008.

9. The Committee recommended to Parliament that both instruments be approved.

Petitions
10. During this year, two petitions were referred to the Committee. At its meeting on 19 December 2007, after correspondence from the Scottish Government, the Committee closed both petitions. These were—

- Petition 837 – Fitting of small scale energy generation equipment, and;
- Petition 969 – Energy efficiency and micro-generation.

Innovation/Networks/Miscellaneous
11. As part of its efforts to engage with key groups, the Committee jointly hosted a seminar with the STUC looking at the productivity challenge and this was followed by the fourth Business in the Parliament Conference on 21–22 February, which the committee hosts along with the Scottish Government. The latter event brought together over 250 business people, ministers and parliamentarians to discuss how to grow Scotland’s economy.

Equalities
12. The Committee has ensured that any meetings and events it organises reflect the Parliament’s guidance on these issues and endeavours to ensure that equalities issues are covered in any scrutiny of legislation or as part of any inquiry undertaken.

Meetings
13. During the parliamentary year (from 9 May 2007 to 8 May 2008), the Committee met 21 times, 0 were entirely in private and 13 were partly in private. Of the 13 meetings where some or all items were in private, 4 were to consider draft reports and others were to consider an adviser or other issues.

14. One formal committee meeting was held in Aberdeen; all others were held in Edinburgh.