PROPOSED SCOTTISH REGISTER OF TARTANS BILL
STATEMENT OF REASONS BY JAMIE McGRIGOR MSP ON WHY CONSULTATION ON THE DRAFT PROPOSAL IS NOT REQUIRED

Background to proposal

In line with Rule 9.14.3 of Standing Orders, this statement of reasons is lodged in conjunction with my draft proposal for a Scottish Register of Tartans Bill. The proposal is for a Bill to create a Scottish Register of Tartans and appoint a Keeper of the Register. The core principles of this work are to create a Scottish Register that is independent, definitive, accessible, and sustainable to help promote and preserve tartan.

Session 2

The original draft proposal for this Bill was lodged in the last session on 3rd March 2005. A consultation was held between March 2005 and May 2005 which generated 62 responses from the tartan and weaving industry, local authorities and other organisations and individuals with a general interest in tartan. Responses to the consultation showed good support for the principle of a Register, although there were diverging views on the detail of how it should operate. Copies of the consultation document and a summary of the responses can be viewed at http://www.scottish.parliament.uk/business/bills/pdfs/mb-consultations/Tartan-consultation-as-issued.pdf and http://www.scottish.parliament.uk/business/bills/pdfs/mb-conclusion/CreationOfARegisterForTartan-conclusions.pdf

Copies of all responses received (excluding any marked in confidence) have been placed in SPICe.

In the last session, the original final proposal was lodged on 24th October 2005 and supported by 28 members from the Conservative, SNP, Labour, Liberal Democrat, and Independent groups.

There was preliminary discussion on the Bill by the then Enterprise Committee in October and November 2006, with a Stage 1 discussion of the Bill between November 2006 and January 2007. There was also a parliamentary debate on a Scottish Register of Tartans on 7th February 2007. In that debate there was good cross-party consensus for the principles of a Register. The then Minister for Enterprise indicated that the previous Administration was broadly supportive of my Bill proposals and undertook to carry out more work on the options for creating a Register. On the basis that the previous Administration was supportive of my proposals, I wrote to the Enterprise Committee in March 2007 indicating that I had withdrawn that version of the Bill.

Present session

That additional work on the options for creating a new Register has continued, with the result that there is now significant common ground between the proposals for a Register of Tartans in my original Bill and the present Scottish Government’s thinking on how a Register should be established and operate. I have been working with the
Scottish Government to refine my proposals into a shorter and more focused Bill to reflect the current consensus. The two key changes in approach are that the function of the Keeper of the Register (to oversee the Register and registration of new tartan) is to be an office within the Court of the Lord Lyon King of Arms, with support from the National Archives of Scotland; and the detail of the operation of the Register will be provided for through powers conferred by the Bill (and I would propose to explain how these powers would be used to the Committee during the passage of the Bill). This more streamlined approach, with associated reduced bureaucracy and expense to the public purse, and the involvement of the Lord Lyon has solid support among the tartan industry in Scotland. The Scottish Government has also indicated it will support this approach and my revised Bill.

The rationale for introducing a Register has also been underpinned by an economic impact study of the tartan industry in Scotland published in May 2007. This shows the industry is more significant than previous estimates suggested (contributing some £350m to the Scottish economy and supporting 7000 direct and indirect jobs). I envisage that a Scottish Register will be set up as an electronic database and available online to all, building on the two main private sector registers currently held by the Scottish Tartans World Register and the Scottish Tartans Authority. Both of these existing registers have agreed to share the data they hold and to play a role in the operation of the new Scottish Register.

Statement of reasons

Therefore, in relation to my new draft proposal for this Bill, I do not consider that further consultation is required for the following reasons:

Notwithstanding differences in the administrative arrangements for the Register, the principles of the proposed Bill do not differ substantially from those of the Bill which I introduced last year. The responses to the consultation on the earlier Bill can be taken broadly to represent the views of stakeholders on any new Bill proposed, so further consultation would be unnecessary.

The consultation exercise carried out in relation to the original draft proposal was robust, open and transparent and responses were received from a wide range of individuals and groups.

The principles of the Bill have been the subject of extensive industry consultation over a number of years, in addition to the public consultation in 2005.

I, and Scottish Government officials, have worked closely and collaboratively with the key industry and public sector stakeholders to develop and refine the proposals in the Bill. This has included bilateral discussions with the holders of the existing registers, close working with the Lord Lyon and the National Archives of Scotland and a collective consultative industry summit held in Stirling on 10 July 2007.

The economic impact study commissioned by the Textiles Team at Scottish Enterprise involved a significant amount of consultation with six of the major tartan industry companies, together with a broader sample of 21 smaller industry companies. Key industry representatives, the holders of the existing registers and
other interests were also consulted. This study showed strong support for the involvement of the Lord Lyon in running the Registers. This study is further evidence of a consultative approach to developing the proposals in the revised Bill.

The proposed approach to the Register has attracted a good level of support among the tartan industry in Scotland. Since the July 2007 industry summit, the Scottish Government is now working with an expert group comprising the Scottish Tartans Authority, the Scottish Tartans World Registers and key industry figures to work up and agree the detail of how the register will work. This industry engagement will continue and inform how the powers conferred by the Bill are used.

In conclusion, I suggest the process in developing the proposals in the original Bill I introduced last session has been, and continues to be, open and consultative and this should mean a fresh consultation exercise on the Bill will not be required.