



Ministry of JUSTICE

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GUIDANCE NOTES ON SUCCESSION TO A BARONETCY OF SCOTTISH TERRITORIAL DESIGNATION OR NOVA SCOTIAN CREATION

INTRODUCTION

1. **These notes set out the procedure to be followed by a person seeking to prove their succession to a Baronetcy with a Scottish territorial designation or of Nova Scotian creation.** Heirs, legal representatives or their agents and other interested parties should follow the procedures outlined from paragraph 7 onwards.
2. A Baronet who is a Peer and who has been either issued with a Writ of Summons to the House of Lords or has his name on the Roll of the Peerage, will automatically be placed on the Roll of the Baronetage.

BACKGROUND

3. The Official Roll of the Baronetage was established in 1910 by a Royal Warrant of King Edward VII. A further Royal Warrant of King George V in 1922 amended certain of the original provisions. The purpose of the Warrant is to safeguard the status of holders of Baronetcies and to prevent abuse.
4. The Warrant requires the Lord Chancellor to appoint a senior official as Registrar of the Baronetage charged with the duty of keeping the Roll and making all necessary entries and deletions.
5. The Warrant requires that evidence of a person's right to succeed to a Baronetcy should be provided to either Garter King of Arms or the Lord Lyon King of Arms, who will subsequently report on it to the Lord Chancellor. Under the 1910 Warrant, no person whose name is not on the Roll can be received as a Baronet or addressed by that title in any official connection.
6. In order that claims to the Baronetage can be properly considered, high standards of evidence (which are explained below) are required. The procedure is that, once the Ministry of Justice has received notice of a claim, it is referred, with the supporting evidence, to Lord

Lyon King of Arms for assessment and report. A final decision is taken by the Ministry of Justice.

MAKING A CLAIM

7. Any person wishing to prove their succession to a Baronetcy should contact, in the first instance, Elaine Chilver at the above address. She will be happy to give general advice on the evidence that will be required. The Ministry of Justice, however, cannot give detailed genealogical advice. The onus is on the claimant to make his case for succession and it may be appropriate in some cases for claimants to consult a genealogist or a solicitor. Formal submission of evidence that the claimant has succeeded to the Baronetage takes the form of a statutory declaration to which documents are exhibited verifying the facts. A draft form of the statutory declaration accompanies these notes.

8. **The Standing Council of the Baronetage** is an independent body which acts in the general interest of the Baronetage and its members. Although the Ministry of Justice is always glad to help applicants, independent advice or assistance in the preparation of the claim may be obtained through the **Secretary of the Standing Council, Commander Perry Abbott, OBE, Royal Navy, of Forestside, Martin's Corner, Hambledon, Waterlooville, Hants, PO7 4RA**. His telephone number is **02392 632672** and his email address is **secretary@baronetage.org**.

THE STATUTORY DECLARATION – EVIDENCE

9. The evidence that is normally required to prove a claim to succession is set out from paragraph 10 onwards. Additional evidence may occasionally be required but will not be sought unless it is necessary to support a claim. In all cases, *original* certificates, or certified Registrar General's office copies, of births, marriages and deaths are required. The certificates should be officially certified copies of entries in the register of births, marriages and deaths. The short form of birth certificate is not acceptable. Copies certified by third parties and photocopies are not acceptable. The documents will not normally be returned once the claim has been decided. Paragraphs 10 to 14 are examples and are not intended to be exhaustive.

10. **For the succession of a son by the first or only marriage of the deceased Baronet**
- a) the full birth certificate of the claimant, annexed to a statutory declaration in the standard form;
 - b) the marriage certificate of the claimant's parents;
 - c) the death certificate of the late Baronet; and
 - d) evidence (see paragraphs 15 -18 below) by statutory declaration, the content of which is not prescribed, stating that the late Baronet had no legitimate surviving male issue before the birth of the claimant.

11. **For the succession of a son by the second or a subsequent marriage of the deceased Baronet**

- a) the full birth certificate of the claimant, annexed to a statutory declaration in the standard form;
- b) the marriage certificate of the claimant's parents;
- c) details of the divorce or death of the Baronet's first wife; and
- d) evidence (see paragraphs 15 - 18 below) by statutory declaration, the content of which is not prescribed, that there are no surviving male issue of the Baronet's first marriage.

12. **For the succession of a brother**

- a) the full birth certificate of the claimant, annexed to a declaration in the standard form;
- b) the marriage certificate of the claimant's parents;
- c) the death certificate of the late Baronet; and
- d) evidence (paragraphs 15 - 18 below) by statutory declaration, the content of which is not prescribed, that:
 - (i) the late Baronet had no legitimate male issue; and
 - (ii) there was no surviving legitimate male issue between the birth of the Baronet and that of the claimant.

13. **For the succession of a nephew**

- a) the full birth certificate of the claimant, annexed to a declaration in the standard form;
- b) the marriage certificate of the claimant's parents;
- c) the birth certificate of the claimant's father;
- d) the death certificate of the claimant's father;
- e) the death certificate of the deceased Baronet; and
- f) evidence (see paragraphs 15 - 18 below) by statutory declaration, the content of which is not prescribed, that:
 - (i) the late Baronet had no surviving legitimate male issue;
 - (ii) there was no surviving legitimate male issue between the birth of the late Baronet and that of the claimant's father; and
 - (iii) the claimant's father had no surviving legitimate male issue before the birth of the claimant.

14. For collateral succession

- a) the full birth certificate of the claimant, annexed to a declaration in the standard form (see below);
- b) evidence to show that the claimant is descended from the collateral relations of the grantee, with date of creation, together with supporting documentation; and
- c) evidence to show that all male lines of descent from the first Baronet senior to that of the claimant are extinct, and that no male senior to the claimant in his own line is still living, together with supporting documentation.

THE STATUTORY DECLARATION

15. The declaration must be made before a Solicitor, a Justice of the Peace or a Notary Public who must at the same time identify the exhibits produced by endorsing them:

“This is the Certificate of Birth / Marriage / Death marked ‘A’ / ‘B’ / ‘C’ referred to in the Declaration of [name of declarant] annexed hereto and declared before me on the day of [day / month / year].
[signature of witness]”

16. The statutory declaration should be made by someone well acquainted with the late Baronet and his family, preferably a near relative who is not in line of succession or the family legal adviser. If the declarant is not a relative, his or her connection and length of association with the family should be explained in the declaration. This should be, as far as is possible, at least since the date of the late Baronet’s first marriage.

17. The declaration should refer to *all* the marriages of the late Baronet.

18. Certificates of birth, marriage and death should generally be exhibited to the declaration, although they are not normally required in the case of younger sons or female issue born after the person in line of succession. In the case of collateral succession, the evidence necessary to prove all lines of succession other than the claimant’s are extinct may be found in a variety of genealogical records, these should be exhibited to the Statutory Declaration. In such cases we advise that you contact Garter Principal King of Arms to discuss before taking steps to obtain the evidence.

COMPLETED APPLICATIONS

19. All completed Baronetcy claims should be submitted to:

Elaine Chilver, Assistant Registrar of the Baronetage, Ministry of Justice, 9th Floor, 9.25A, 102 Petty France, London, SW1H 9AJ.

☎ 07580 701 138 ✉ elaine.chilver@justice.gov.uk

However, additionally you may wish to copy the covering letter to the Secretary of the Standing Council of the Baronetage (address at paragraph 8 above) so that the progress of your claim may be monitored.

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