



# Lyon King of Arms Act 1867

1867 CHAPTER 17 30 and 31 Vict

F1

F2

An Act to regulate the Court and Office of the Lyon King of Arms in Scotland, and the Emoluments of the Officers of the same. [3rd May 1867]

## Textual Amendments

- F1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)  
F2 Preamble omitted under authority of [Statute Law Revision Act 1893 \(c. 14\)](#)

## Commencement Information

- I1 Act wholly in force at Royal Assent.

## 1 Lyon King of Arms to have same rights and duties as heretofore, except as altered by this Act.

The jurisdiction of the Lyon Court in Scotland shall be exercised by the Lyon King of Arms, who shall have the same rights, duties, powers, privileges, and dignities as have heretofore belonged to the Lyon King of Arms in Scotland, except in so far as these are herein-after altered or regulated.

## 2 Lyon King of Arms to discharge his duties personally.

The Lyon King of Arms shall be bound to discharge the duties of his office personally, and not by deputy: Provided always, that in the event of the temporary absence of the Lyon King of Arms, from illness or other necessary cause, it shall be lawful for the Lord President of the Court of Session to grant a commission to some other person to discharge the duties of Lyon King of Arms ad interim, and such commission shall not be liable to any stamp duty: And provided also, that without any such commission, in the event of the temporary absence or incapacity of the Lyon King of Arms, the Lyon clerk shall be and is hereby empowered to admit to the office of messenger at arms persons properly qualified [<sup>F3</sup>in accordance with Part V of the Debtors (Scotland) Act 1987 and any Act of Sederunt made thereunder].

*Status: Point in time view as at 01/01/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Lyon King of Arms Act 1867. (See end of Document for details)*

#### Textual Amendments

- F3** Words substituted by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108, Sch. 6 para. 5, Sch. 7 paras. 5, **9(1)**

### 3 Salary of Lyon King of Arms.

The Lyon King of Arms, who shall be appointed by Her Majesty, shall receive such salary,<sup>F4</sup> . . . as the Treasury shall from time to time approve, payable quarterly out of any monies to be voted by Parliament for that purpose, which salary shall come in place of the fees hitherto exigible by him, to which he shall no longer be entitled.

#### Textual Amendments

- F4** Words repealed by [Statutory Salaries Act 1937 \(c. 35\)](#), **Sch. 2**

### 4 Rights and duties of Lyon clerk.

The Lyon clerk shall hereafter have the same rights and perform the same duties as heretofore, except in so far as the same are herein-after altered or regulated.

### 5 Lyon clerk to perform his duties personally. Salary of Lyon Clerk.

The Lyon clerk, who shall be appointed by Her Majesty, shall<sup>F5</sup> . . . perform the duties of his office personally, and not by deputy, and shall receive such salary<sup>F6</sup> . . . as the Treasury shall from time to time approve, payable as aforesaid, which salary shall come in place of the fees hitherto exigible by him, to which he shall no longer be entitled: Provided always, that in the event of the temporary absence or incapacity of the Lyon clerk it shall be lawful for the Lyon King of Arms, with the consent of Her Majesty's Advocate, to grant a commission to some other person to discharge the duties of the Lyon clerk ad interim, and such commission shall not be liable to any stamp duty.

#### Textual Amendments

- F5** Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)  
**F6** Words repealed by [Statutory Salaries Act 1937 \(c. 35\)](#), **Sch. 2**

### 6 Rights and duties of heralds and pursuivants in Scotland.

The heralds and pursuivants in Scotland shall be appointed by the Lyon King of Arms, and shall have the same rights and privileges and discharge the same duties as heretofore, except in so far as altered or regulated by this Act.

### 7 As to filling up vacancies in offices of herald and pursuivant.

<sup>F7</sup> . . . the number of heralds shall in time coming be maintained at three; and<sup>F7</sup> . . . the number of pursuivants shall in time coming be maintained at three:<sup>F7</sup> . . .

*Status: Point in time view as at 01/01/2018.*

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#### Textual Amendments

**F7** Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

### 8 Salary of heralds and pursuivants.

No herald or pursuivant shall be entitled to exact any fees, but each herald or pursuivant so appointed shall receive, in lieu of fees, such salary as the Treasury shall from time to time approve, payable as aforesaid: Provided always, that no herald or pursuivant shall pay or give to the Lyon King of Arms any consideration for his appointment, and if any such consideration shall have been paid or given by any such herald or pursuivant, his appointment shall be null and void.

### 9 Duties and fees of herald painter and procurator fiscal of Lyon Court.

The herald painter in Scotland [<sup>F8</sup>and procurator fiscal of the Lyon Court]shall hereafter be appointed by the Lyon King of Arms, and shall [<sup>F8</sup>respectively] perform the duties and be entitled to receive the fees, which the herald painter [<sup>F9</sup>has] hitherto been bound to perform and entitled to exact: Provided always, that no herald painter [<sup>F8</sup>or procurator fiscal]shall have any vested right in such fees.

#### Textual Amendments

**F8** Words in s. 9 repealed (S.) (5.9.2001) by [2001 asp 7, s. 11\(2\)\(a\)\(i\)-\(iii\)](#);S.I. 2001/274, [art. 3\(2\)](#)

**F9** Words in s. 9 substituted (S.) (5.9.2001) by [2001 asp 7, s. 11\(2\)\(b\)](#);S.I. 2001/274, [art. 3\(2\)](#)

### [<sup>F10A</sup> Appointment of procurator fiscal of the Lyon Court

- (1) The procurator fiscal of the Lyon Court shall be a person who is legally qualified and shall be appointed by the Scottish Ministers on such terms and conditions as they determine.
- (2) For the purposes of subsection (1) above, a person is legally qualified if that person is an advocate or a solicitor.]

#### Textual Amendments

**F10** [S. 9A](#) inserted (S.) (5.9.2001) by [2001 asp 7, s. 11\(3\)](#);S.I. 2001/274, [art. 3\(2\)](#)

### 10 Attendance at Lyon Office.

From the first day of October to the twentieth day of December and from the fifth day of January to the twentieth day of July in each year the hours of attendance at the Lyon Office shall be from eleven o'clock in the forenoon to three o'clock in the afternoon, every lawful day except Saturday; and from the twenty-first day of July to the thirtieth day of September and from the twenty-first day of December to the fourth day of January in each year the hours of attendance shall be from eleven o'clock in the forenoon to two o'clock in the afternoon, and on Wednesdays and Fridays only: Provided always, that between the twenty-first day of July and the thirtieth day of September, and between the twenty-first day of December and the fourth day of

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January, in each year, the Lyon King of Arms shall not be bound to entertain any applications for grants or matriculations of arms, or for recording pedigrees: <sup>F11</sup> . . .

**Textual Amendments**

**F11** Words repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1\)](#), s. 59, Sch. 2 para. 3, [Sch. 4](#)

**11 Regulating disposal of fees payable under the statutes of the Order of the Thistle, and grant of Geo. 2., dated 19th July 1731.**

The fees hitherto payable to the Lyon King of Arms by Knights of the Thistle under the statutes of the Order of the Thistle, and the fees payable to the Lyon King of Arms in terms of a grant of His Majesty King George the Second, under the Great Seal of Great Britain, of date the nineteenth day of July one thousand seven hundred and thirty-one, shall be paid into Her Majesty’s Exchequer; <sup>F12</sup> . . .

**Textual Amendments**

**F12** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. 1](#) Gp. 4

<sup>F13</sup> **12** .....

**Textual Amendments**

**F13** [S. 12, Sch. A](#) repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

**13 Fees.**

<sup>F14</sup> . . . the fees and dues enumerated in Schedule B. annexed to this Act shall be exigible  
<sup>F14</sup> . . .

**Textual Amendments**

**F14** Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

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## SCHEDULES

### <sup>F15</sup>SCHEDULE A.

#### Textual Amendments

**F15** S. 12, Sch. A repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

### SCHEDULE B

Section 13.

#### Modifications etc. (not altering text)

**C1** Power to amend Sch. B conferred by [Public Expenditure and Receipts Act 1968 \(c. 14\)](#), s. 5(1), **Sch. 3**

### <sup>F16</sup>PART 1

#### FEES PAYABLE IN RESPECT OF RESERVED FUNCTIONS

#### Textual Amendments

**F16** Sch. B Pt. 1 substituted (1.1.2018) by [The Lyon Court and Office Fees \(Variation\) \(Reserved Functions\) Order 2016 \(S.I. 2016/1138\)](#), art. 1(1), **Sch. 2**

<i>Column 1 (Matter to which fee relates)</i>	<i>Column 2 (Fee payable from 1st January 2018) £</i>
1. On every patent of arms	725.00
2. On every patent of crest	620.00
3. On every patent of supporters	475.00
4. On every patent of arms with supporters to a commercial organisation	2800.00
5. On every patent of arms without supporters to a commercial organisation	2300.00
6. On lodging a petition in respect of paragraphs 1, 2, 3 and 4 (which sum is then deducted from the total fees due on completion)	400.00

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<i>Column 1 (Matter to which fee relates)</i>	<i>Column 2 (Fee payable from 1st January 2018) £</i>
7. On every reprographic extract from a digital image of a register Maximum charge	100.00
8. On every other extract from a register	35.00
9. On affixing seal of office to warrant, decree or precept	35.00
10. On the appointment of a herald	10.00
11. On the appointment of a pursuivant	10.00

Note: In Part 1—

(a) “commercial organisation” means—

- (i) any partnership within the meaning of section 1 (definition of partnership) of the Partnership Act 1890;
  - (ii) any limited liability partnership incorporated under section 2 (incorporation document etc.) of the Limited Liability Partnerships Act 2000;
  - (iii) any company registered under the Companies Acts; or
  - (iv) any overseas company having an established place of business in the United Kingdom,
- but does not include companies registered for charitable purposes, community interest companies within the meaning of Part 2 (community interest companies) of the Companies (Audit, Investigations and Community Enterprise) Act 2004 or private companies limited by guarantee; and

(b) in paragraph (a) “Companies Acts” means the Companies Act 2006, any Act amending or replacing that Act and any former enactment relating to companies.]

## [<sup>F17</sup>PART 2

### FEES PAYABLE IN RESPECT OF DEVOLVED FUNCTIONS

#### Textual Amendments

**F17** Sch. B Pt. 2 substituted (1.1.2018) by [The Lyon Court and Office Fees \(Variation\) \(Devolved Functions\) Order 2016 \(S.S.I. 2016/390\)](#), art. 2(3), [sch. 2](#)

<i>Column 1 (Matter to which fee relates)</i>	<i>Column 2 (Fee payable from 1st January 2018)</i>
1. On every matriculation of arms with supporters	420.00
2. On every matriculation of arms without supporters	320.00
3. On lodging a petition in respect of a matriculation of arms with supporters	375.00

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<i>Column 1 (Matter to which fee relates)</i>	<i>Column 2 (Fee payable from 1st January 2018)</i>
a matriculation of arms without supporters (which sum is then deducted from the total fees due on completion)	310.00
4. On every genealogy recorded, including name of Petitioner	270.00
5. Further to 4 above, fee for each additional name recorded on the genealogy	15.00
6. Certificate regarding change of surname	105.00
7. Search in register of arms	30.00
8. Internet search in the register of arms - per electronic image of an entry	10.00
9. Search in register of genealogies	30.00
10. General search in heraldic MSS	70.00
11. General search in genealogical MSS	70.00
12. On every reprographic extract from a digital image of a register Maximum charge	100.00
13. On every other extract from a register	35.00
14. On entering a caveat	65.00
15. On admission of a messenger-at-arms	240.00
16. Annual dues of a messenger-at-arms	50.00
17. On recording resignation or change of residence of a messenger	14.00
18. On search for a messenger's cautioner	14.00
19. On every certified statement of name and designation of such cautioner, and date of bond	22.00
20. On extracting each warrant, decree, or precept of suspension – first sheet	35.00
each subsequent sheet	15.00
21. On affixing seal of office to warrant, decree or precept	35.00
22. On examining executions of service and intimations of precepts of suspension, marking them on the record and giving out certificates	35.00
23. On lending process and taking receipt	22.00
24. On return of process and scoring receipt	22.00
25. On re-admission of a messenger-at-arms	50.00

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<i>Column 1</i> <i>(Matter to which fee relates)</i>	<i>Column 2</i> <i>(Fee payable from 1st January 2018)</i>
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Note: In Part 2, “internet search” means a search in the indexes and digitised records of the Court of the Lord Lyon made available on the internet, made by any person with the permission of the Lord Lyon.]

	[ <sup>F18</sup> £
F19	F19
...	...
F19	F19
...	...
On every matriculation of arms with supporters, without a new patent	[ <sup>F20</sup> 248.00]
On every matriculation of arms without supporters, without a new patent	[ <sup>F20</sup> 187.00]
On every matriculation of arms without a new patent of arms, but with a patent of supporters	[ <sup>F20</sup> 534.00]
On every genealogy recorded	[ <sup>F20</sup> 158.00]
Additional for each member of the pedigree	[ <sup>F20</sup> 8.00]
Certificate regarding change of surname	[ <sup>F20</sup> 56.00]
Search in register of arms	[ <sup>F20</sup> 8.00]
Search in register of genealogies	[ <sup>F20</sup> 8.00]
General search in heraldic MSS	[ <sup>F20</sup> 44.00]
General search in genealogical MSS	[ <sup>F20</sup> 44.00]
F19	F19
...	...
On entering a caveat	[ <sup>F20</sup> 32.00]
On the admission of a messenger at arms to practise in the district of Edinburgh	[ <sup>F20</sup> 167.00]
On the admission of a messenger at arms to practise out of the district of Edinburgh	[ <sup>F20</sup> 167.00]
Annual dues of a messenger at arms practising in the district of Edinburgh	[ <sup>F20</sup> 27.00]
Annual dues of a messenger at arms practising out of the district of Edinburgh	[ <sup>F20</sup> 27.00]
On renewal of a messenger’s bond of caution	F21
	...



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On recording resignation or change of residence of a messenger	[ <sup>F20</sup> 8.00]
On search for a messenger's cautioner	[ <sup>F20</sup> 8.00]
On every certified statement of name and designation of such cautioner, and date of bond	[ <sup>F20</sup> 11.00]
On each petition or paper lodged in a process against a messenger	<sup>F21</sup> ...
On each interlocutor in a process against a messenger	<sup>F21</sup> ...
On extracting each warrant, decree, or precept of suspension, first sheet	[ <sup>F20</sup> 14.00]
On ditto, each subsequent sheet	[ <sup>F20</sup> 8.00]
<sup>F19</sup> ...	<sup>F19</sup> ...
On examining executions of service and intimations of precepts of suspension, marking them on the record and giving out certificates	[ <sup>F20</sup> 14.00]
On lending process and taking receipt	[ <sup>F20</sup> 8.00]
On return of process and scoring receipt	[ <sup>F20</sup> 8.00]
On re-admission of a messenger at arms	[ <sup>F20</sup> 32.00]
<sup>F19</sup> ...	<sup>F19</sup> ...
<sup>F19</sup> ...	<sup>F19</sup> ... ]

**Textual Amendments**

- F18** Sch. B (except Pts. 1 and 2) revoked (S.) (23.5.2008) by [The Lyon Court and Office Fees \(Variation\) \(No. 2\) Order 2008 \(S.S.I. 2008/168\)](#), arts. 1(1), **3(2)**
- F19** Entries and corresponding fees in Sch. B deleted (23.5.2008) by [The Lyon Court and Office Fees \(Variation\) Order 2008 \(S.I. 2008/1166\)](#), arts. 2, **3(1)**, Sch. 1
- F20** Fees payable in relation to specified matters in Sch. B varied (1.4.1996) by virtue of S.I. 1996/413, arts. 2, 3, **Sch.**
- F21** Fees in relation to specified matters in Sch. B ceased to be payable (1.4.1992) by virtue of S.I. 1992/305, art. 3(2), **Sch. 2**

N.B.— These fees are exclusive of stamp duties, when such are exigible.

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F19	F19
...	...
F19	F19
...	...
On every matriculation of arms with supporters, without a new patent	[ <sup>F20</sup> 248.00]
On every matriculation of arms without supporters, without a new patent	[ <sup>F20</sup> 187.00]
On every matriculation of arms without a new patent of arms, but with a patent of supporters	[ <sup>F20</sup> 534.00]
On every genealogy recorded	[ <sup>F20</sup> 158.00]
Additional for each member of the pedigree	[ <sup>F20</sup> 8.00]
Certificate regarding change of surname	[ <sup>F20</sup> 56.00]
Search in register of arms	[ <sup>F20</sup> 8.00]
Search in register of genealogies	[ <sup>F20</sup> 8.00]
General search in heraldic MSS	[ <sup>F20</sup> 44.00]
General search in genealogical MSS	[ <sup>F20</sup> 44.00]
F19	F19
...	...
On entering a caveat	[ <sup>F20</sup> 32.00]
On the admission of a messenger at arms to practise in the district of Edinburgh	[ <sup>F20</sup> 167.00]
On the admission of a messenger at arms to practise out of the district of Edinburgh	[ <sup>F20</sup> 167.00]
Annual dues of a messenger at arms practising in the district of Edinburgh	[ <sup>F20</sup> 27.00]
Annual dues of a messenger at arms practising out of the district of Edinburgh	[ <sup>F20</sup> 27.00]
On renewal of a messenger's bond of caution	F21
	...
On recording resignation or change of residence of a messenger	[ <sup>F20</sup> 8.00]
On search for a messenger's cautioner	[ <sup>F20</sup> 8.00]
On every certified statement of name and designation of such cautioner, and date of bond	[ <sup>F20</sup> 11.00]
On each petition or paper lodged in a process against a messenger	F21
	...

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On each interlocutor in a process against a messenger	F21 ...
On extracting each warrant, decree, or precept of suspension, first sheet	[ <sup>F20</sup> 14.00]
On ditto, each subsequent sheet	[ <sup>F20</sup> 8.00]
F19	F19
...	...
On examining executions of service and intimations of precepts of suspension, marking them on the record and giving out certificates	[ <sup>F20</sup> 14.00]
On lending process and taking receipt	[ <sup>F20</sup> 8.00]
On return of process and scoring receipt	[ <sup>F20</sup> 8.00]
On re-admission of a messenger at arms	[ <sup>F20</sup> 32.00]
F19	F19
...	...
F19	F19
...	... ]

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N.B.— These fees are exclusive of stamp duties, when such are exigible.

**Status:**

Point in time view as at 01/01/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the Lyon King of Arms Act 1867.