



Lyon King of Arms Act 1867

1867 CHAPTER 17 30 and 31 Vict

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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 [^{F3}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Status: Point in time view as at 01/01/2019.

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,^{F4} . . . 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^{F5} . . . perform the duties of his office personally, and not by deputy, and shall receive such salary^{F6} . . . 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.

^{F7} . . . the number of heralds shall in time coming be maintained at three; and^{F7} . . . the number of pursuivants shall in time coming be maintained at three:^{F7} . . .

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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 [^{F8}and procurator fiscal of the Lyon Court] shall hereafter be appointed by the Lyon King of Arms, and shall [^{F8}respectively] perform the duties and be entitled to receive the fees, which the herald painter [^{F9}has] hitherto been bound to perform and entitled to exact: Provided always, that no herald painter [^{F8}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\(2\)](#)

[^{F10A} 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: ^{F11} . . .

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; ^{F12} . . .

Textual Amendments

F12 Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. 1](#) Gp. 4

^{F13} **12**

Textual Amendments

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 A](#) repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

13 Fees.

^{F14} . . . the fees and dues enumerated in Schedule B. annexed to this Act shall be exigible
^{F14} . . .

Textual Amendments

F14 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

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SCHEDULES

^{F15}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**

^{F16}PART 1

FEES PAYABLE IN RESPECT OF RESERVED FUNCTIONS

Textual Amendments

F16 Sch. B Pt. 1 substituted (S.) (1.1.2019) by [The Lyon Court and Office Fees \(Variation\) \(Reserved Functions\) Order 2016 \(S.I. 2016/1138\)](#), art. 1(1), **Sch. 3**

<i>Column 1 (Matter to which fee relates)</i>	<i>Column 2 (Fee payable from 1st January 2019) £</i>
1. On every patent of arms	750.00
2. On every patent of crest	640.00
3. On every patent of supporters	490.00
4. On every patent of arms with supporters to a commercial organisation	3000.00
5. On every patent of arms without supporters to a commercial organisation	2500.00
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)	450.00
7. On every reprographic extract from a digital image of a register	100.00

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<i>Column 1 (Matter to which fee relates)</i>	<i>Column 2 (Fee payable from 1st January 2019) £</i>
Maximum charge	
8. On every other extract from a register	40.00
9. On affixing seal of office to warrant, decree or precept	40.00
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.]

[^{F17} PART 2

FEES PAYABLE IN RESPECT OF DEVOLVED FUNCTIONS

Textual Amendments

F17 Sch. B Pt. 2 substituted (S.) (1.1.2019) by [The Lyon Court and Office Fees \(Variation\) \(Devolved Functions\) Order 2016 \(S.S.I. 2016/390\)](#), art. 2(4), **sch. 3**

<i>Column 1 (Matter to which fee relates)</i>	<i>Column 2 (Fee payable from 1st January 2019)</i>
1. On every matriculation of arms with supporters	430.00
2. On every matriculation of arms without supporters	340.00
3. On lodging a petition in respect of a matriculation of arms with supporters	400.00
a matriculation of arms without supporters	320.00
(which sum is then deducted from the total fees due on completion)	

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<i>Column 1 (Matter to which fee relates)</i>	<i>Column 2 (Fee payable from 1st January 2019)</i>
4. On every genealogy recorded, including name of Petitioner	280.00
5. Further to 4 above, fee for each additional name recorded on the genealogy	18.00
6. Certificate regarding change of surname	110.00
7 Search in register of arms	35.00
8. Internet search in the register of arms – per electronic image of an entry	10.00
9. Search in register of genealogies	35.00
10. General search in heraldic MSS	75.00
11. General search in genealogical MSS	75.00
12. On every reprographic extract from a digital image of a register Maximum charge	100.00
13. On every other extract from a register	40.00
14. On entering a caveat	70.00
15. On admission of a messenger-at-arms	250.00
16. Annual dues of a messenger-at-arms	55.00
17. On recording resignation or change of residence of a messenger	15.00
18. On search for a messenger’s cautioner	15.00
19. On every certified statement of name and designation of such cautioner, and date of bond	25.00
20. On extracting each warrant, decree, or precept of suspension – first sheet	40.00
each subsequent sheet	18.00
21. On affixing seal of office to warrant, decree or precept	40.00
22. On examining executions of service and intimations of precepts of suspension, marking them on the record and giving out certificates	40.00
23. On lending process and taking receipt	25.00
24 On return of process and scoring receipt	25.00
25. On re-admission of a messenger-at-arms	55.00

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.]

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