

POLICY NOTE

THE LYON COURT AND OFFICE FEES (VARIATION) (DEVOLVED FUNCTIONS) ORDER 2016

SSI 2016/390

1. The above Order was made in exercise of the powers conferred by section 5 of, as read with paragraph 3 of schedule 3, of the Public Expenditure and Receipts Act 1968. The Order is subject to negative procedure.

Background

2. The Court and Office of the Lord Lyon (“Lyon Court”) is a court of law which regulates heraldry in Scotland and is headed by the Lord Lyon King of Arms. The Lord Lyon is the sole authority for granting of Coats of Arms and maintains the Public Register of All Arms and Bearings in Scotland and the Public Register of All Genealogies and Birthbrieves in Scotland together with other records. The Lord Lyon also has judicial functions in relation to the matriculation of existing Arms and determining prosecutions which may be brought before the Court of the Lord Lyon by the Procurator Fiscal to the Lyon Court in relation to infringements of the law of Arms.

3. Schedule B of the Lyon King of Arms Act 1867 sets out fees payable to the Lyon Court. These fees were last varied in 2008 and, prior to that, in 1996. In 2008, for the first time, two Fees orders were made - a Scottish Statutory Instrument for fees payable for devolved functions was laid in the Scottish Parliament and a Statutory Instrument dealing with fees payable for reserved functions was laid in the UK Parliament.

4. Fees are charged when an individual or organisation who wishes to use Arms petitions the Lyon Court for a new Grant of Arms or, where an individual can trace their ancestry back to an ancestor who had a Grant of Arms, petitions the Lyon Court for a “matriculation” showing their place within the family. When a grant or matriculation is obtained, an illuminated parchment, narrating the pedigree as proved, is supplied to the Petitioner, and a duplicate is recorded in the Public Register of All Arms and Bearings in Scotland. Fees are also charged for searches in the heraldic registers and manuscripts and matters relating to messengers-at-arms.

5. Fees charged by the Fees Orders are payable to the Scottish Government. However, the full fees charged to the petitioner also include the Herald Painter's fee and the costs of materials in preparing the Petitioner's Letters Patent. This is the title deed to the Grant or Matriculation of Arms, written in a formal script on vellum, illustrating the Arms in full colour, and sealed with the Seal of the Lord Lyon King of Arms.

Policy Objectives

6. The Lyon Court considers that it is now necessary to increase the fees charged for both its devolved functions (including matriculations) and reserved functions (primarily the granting of Arms). The increases in fees will not pay for the whole costs of the Lyon Court as work is carried out which does not relate to the granting or matriculation of Arms or connected with searches in their records. Other work includes handling general enquiries such as origin of

name, clan membership, definition of heraldic terms etc and ceremonial duties. The fees have not been increased since 2008 and, as office costs have increased during that period, fees are to be correspondingly increased.

7. This Order varies the fees payable in respect of devolved functions of the Lyon Court (including the judicial functions of the Lord Lyon). This Order will come into force at the same time as the Lyon Court and Office Fees (Variation) (Reserved Functions) Order 2016 which will vary the fees payable in respect of reserved functions, primarily the granting of Arms. The latter Order has been made by the Secretary of State for Scotland and laid in the UK Parliament.

8. These two Fees Orders provide for increases in almost all of the fees charged by the Lyon Court. The largest increases are to the lodging fees. However, the lodging fee forms part of the fee for a matriculation of Arms, and is deducted from the total fee due on completion of a matriculation. The increases in lodging fees are to cover the costs of the initial work - scrutiny of the petition and supporting documentation, searches to determine appropriate designs, correspondence with petitioners which all take place before the final agreement on the design of the arms to be granted or matriculated - after which the balance of the fees are paid.

9. The two Fees Orders will, for the first time, provide for increases in fees for the next three years, in early 2017, 2018 and 2019. This will enable fees to be increased but avoid the need to make separate orders each year.

Consultation

10. A joint, informal consultation by the Scottish Government and the Scotland Office took place on proposals to increase fees charged by the Lyon Court. Those consulted included organisations and individuals with an interest in heraldry and genealogy. Consultees included Officers of Arms, the Law Society of Scotland, the Society of Messengers-at-Arms and Sheriff Officers and a number of representative bodies. Those who responded were broadly in agreement with the proposals for increases in fees.

Impact Assessments

11. This Order will have no negative equality impacts. Therefore no Equality Impact Assessment or other impact assessments have been undertaken.

Financial Effects

12. This Order imposes no new financial requirements on business, and so no Business and Regulatory Impact Assessment has been undertaken.

Scottish Government
Justice Directorate

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