



Ministry of JUSTICE

GUIDANCE NOTES ON SUCCESSION TO A BARONETCY OF NOVA SCOTIAN

INTRODUCTION

1. These notes are intended to outline the procedure to be followed by a person seeking to prove their succession to a baronetcy with a Scottish territorial designation, created pre-1702 or of Nova Scotian creation.
2. It is not necessary to prove succession to a baronetcy in order to use the title, but baronets whose names are not on the Official Roll of Baronetage will not:-
 - (a) be entitled to any precedence attaching to their baronetcy; or
 - (b) be entitled to be addressed or referred to by any title attaching to that baronetcy in any civil or military commission, letters patent or other official document.

If a claim is not pursued on the death of a baronet, it is likely to become progressively more difficult for each succeeding holder of the title to produce all the relevant evidence to support a claim to the baronetcy.

3. A claimant, who is also the holder of a peerage which devolves in exactly the same way as the baronetcy 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 as holder of such peerage, will automatically be placed on the Official Roll of the Baronetage.

BACKGROUND

4. 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. 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 evidence of a person's right to succeed to a baronetcy is first considered by Lord Lyon King of Arms, who reports on it to the Lord Chancellor.
6. Once a claim is made out the claimant's name will be entered on the Official Roll of the Baronetage.

MAKING A CLAIM

7. A claim to establish succession to a baronetcy is initiated by lodging a duly executed statutory declaration together with any supporting documentary evidence. A draft form of statutory declaration for a straightforward case accompanies these notes.
8. Any person wishing to prove their succession to a baronetcy should in the first instance contact:

Grant Bavister,
College of Arms,
130 Queen Victoria Street,
London EC4V 4BT.
Email: gbavister@college-of-arms.gov.uk
Tel.07718 284393

He can give general advice on the procedure, the evidence that will be required and guidance/assistance on drafting documents. The onus is on the claimant to do his research and make his case for succession and in appropriate cases the claimant should consult a genealogist or solicitor.

9. The Standing Council of the Baronetage is an independent body which acts in the general interest of the baronetage and its members. Independent advice or assistance in the preparation of the claim may be obtained through the Secretary of the Standing Council, Martin Heath. His telephone number is 07941 497549 and his email address is secretary@baronetage.org.

THE STATUTORY DECLARATION – EVIDENCE

10. The evidence that is normally required to prove a claim to succession is set out from paragraph 11 to 15 below. Additional evidence may occasionally be required but will not be sought unless it is necessary to support a claim. In all cases, original certificates of birth etc. are required. Such certificates should be certified copies of entries in the register of births, marriages and deaths. The short form of birth certificate is not acceptable. Photocopies are not acceptable. The documents will normally be returned once the claim has been decided. Paragraphs 11 to 15 are examples and are not intended to be exhaustive.
11. **For the succession of a son by the first or only marriage of the deceased baronet**
 - a) the full birth certificate of the claimant;
 - b) the marriage certificate of the claimant's parents;
 - c) the death certificate of the late baronet; and
 - d) evidence showing that the late baronet had no legitimate surviving male issue before the birth of the claimant.
12. **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;

- b) the marriage certificate of the claimant's parents;
- c) details of the divorce or death of the baronet's previous wife or wives; and
- d) evidence showing that the late baronet had no legitimate surviving male issue before the birth of the claimant.

13. For the succession of a brother

- a) the full birth certificate of the claimant;
- b) the marriage certificate of the claimant's parents;
- c) the death certificate of the late baronet; and
- d) evidence showing that:
 - (i) the late baronet had no legitimate male issue; and
 - (ii) there was no surviving legitimate male issue between the birth of the late baronet and that of the claimant.

14. For the succession of a nephew

- a) the full birth certificate of the claimant;
- b) the marriage certificate of the claimant's parents;
- c) the full birth certificate of the claimant's father;
- d) the death certificate of the claimant's father;
- e) the death certificate of the late baronet; and
- f) evidence showing 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.

15. For collateral succession

- a) the full birth certificate of the claimant;
- b) evidence showing that the claimant is descended from collateral relations of a second or subsequent baronet, 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

16. The declaration must be made before someone such as a solicitor before whom a statutory declaration can be made 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]”

17. 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.
18. The declaration should refer to all the marriages of the late baronet.
19. 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 official records. Such evidence should be exhibited to the statutory declaration: in such cases it is advisable to contact Grant Bavister to discuss before taking steps to obtain the evidence.

COMPLETED APPLICATIONS

20. All completed Baronetcy claims should be submitted to:

Grant Bavister,
College of Arms,
Queen Victoria Street,
London EC4V 4BT.

21. Additionally claimants may wish to copy the covering letter to the Secretary of the Standing Council of the Baronetage so that the progress of the claim may be monitored.

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