



Council of Scottish Armigerous Clans and Families: Guidance Note 1

Membership Eligibility and Admission of Full Council Members

May 2010

This guidance is intended to aid Clan Societies and Armigers when submitting their applications for full Council membership. It is based upon enquiries received by the Officers of the Council from Clan Societies and Scots Armigers.

I Council Membership

(i) Eligibility For Full Council Membership

Full membership of the Council is open to the following persons over the age of 18 years who are: -

(a) Scots Armigers, who have been proposed for membership of the Council by the known living armigers of their Armigerous Clan; and

(b) Who are eligible to represent their Armigerous Clan, by virtue of the surname they bear and the armorial bearings they lawfully possess, either by grant or re-matriculation of the Lord Lyon, King of Arms of Scotland under the Lord Lyon Act 1672; or

(c) A Clan Society or Association which represents a Scottish Armigerous Clan and where the Society or Association is in lawful possession of armorial bearings granted by the Lord Lyon, King of Arms of Scotland under the Lord Lyon Act 1672.

(1) Guidance – Eligibility for Full Council Membership

(a) For the purposes of full Council membership the term Scots Armiger purposely excludes those who bear arms by courtesy right as they are not technically armigers in their own right. It is, however, still possible for an armiger to sit on the Council and their tenant or heir to represent them as a depute member. Those who bear arms by courtesy right are eligible for Associate membership.

(b) In situations where an investigation is carried out by a Clan Society in support of an Armigerous Clan or Family, to locate the living armigers of the name. It may be the case that an investigation identifies individuals who claim to be in lawful possession of Scottish armorial bearings, but armorial bearings have not been matriculated by them. Such individuals will be required by the Council to re-matriculate the arms to which they lay claim with Lyon Court, before they can be considered for Council Membership. This is necessary to confirm they are lawfully entitled to the arms.

For example, where an heir to arms is not named as heir in an Armiger's letters patent, or the heir pre-deceases the armiger and they are inherited, for example, by a nephew or grandson. In such cases it would be necessary for the Grandson or nephew to re-matriculate the arms to establish their rights to them for the purposes of Council membership. In the above situation Lyon's warrant granting the arms will be sufficient proof of their entitlement to bear the arms.

(c) Where an armiger dies and their heir inherits their arms, the fact that the armiger's successor has been named in the letters patent as heir, is sufficient to confirm them as in possession of the arms ie. for the purposes of Council membership they have been granted arms. There is no requirement for a named heir to re-matriculate the arms to demonstrate to the Council that they are lawfully entitled to them.

(d) Where an Armigerous Clan Society is elected as a full Council member by the other armigers of a Scottish Armigerous Clan, a Clan Society officer must be appointed by the Clan Society to represent the Clan Society. The Officers of the Council must be satisfied that a Society Officer representing an Armigerous Clan Society has

obtained the approval of the Committee of the Clan Society and there is a body of support for their appointment from the Society's members.

(iii) Armigerous Clan Requirements

(a) The Scots Armiger proposed for Council membership above must represent an Armigerous Clan Surname or Surnames (where the Armigerous Clan or Family consists of persons bearing different Surnames). There is evidence that numerous persons bearing the name or names have had a long and well established presence in Scotland over several centuries;

(2) Guidance: Armigerous Clan Requirements

(a) A candidate put forward by the Clan Society for Council Membership, must bear the surname of the Scottish Armigerous Clan they represent (including spelling variations). In addition, the arms they lawfully possess must also have been granted in the Surname of, or if the Armigerous Clan consists of more than one surname, one of the Surnames of a Scottish Armigerous Clan.

(b) In cases where candidates for Council membership possess double barrelled or compound surnames (eg. Cheyne-Brown). This shall not automatically bar a candidate for Council membership. Nor is it required that the last name of the compound surname be that of the Armigerous Clan which they seek to represent. It is however a requirement that they bear the name of the Armigerous Clan they seek to represent, as one of the names in their compound Surname, and have been granted or re-matriculated arms in that Surname (either in their own right or as quarterings or grand-quarterings). It should be noted that if a member with a compound surname is at any time confirmed by Lyon as bearing the undifferenced Chiefly arms of their Armigerous Clan, they may be required to adopt the Chiefly Surname alone, as compound surnames are currently a bar to Chiefship in Scotland.

(c) Names which are predominantly non-Scottish, for example, English or Irish surnames. It is accepted that many established Scottish Clans and Families are of Irish, English, Norse or Norman origins. Applicants will not automatically be barred from Council Membership and can meet the membership criteria, providing sufficient evidence can be provided to the Officers of the Council to demonstrate that (a) those bearing the name of an Armigerous Clan in Scotland are sufficiently numerous (either historically or presently) to constitute a Scottish Armigerous Clan (b) that those bearing the name have a sufficiently long and well documented history in Scotland and (c) they meet all other criteria for membership in this Constitution.

V. Admission Procedure

(3) Guidance: Tracing the Known Living Armigers of the Armigerous Clan

(a) The Council expects each Clan or Family Society acting on behalf of the Armigerous members of a Scottish Armigerous Clan or Family, or the Armigers themselves to take all reasonable efforts to locate, contact and inform the Council of the existence of all known living Armigers of their Armigerous Clans, their intention to the submit an application for Council membership and their eligibility for membership.

(b) The Clan Society should co-ordinate communication between the known living armigers of the Scottish Armigerous Clan, including those who have either been identified or claim to have the right to Scots armorial bearings, in order for the armigers to agree on a proposed candidate for Council membership. The Council accepts that it may not be possible in all cases, for various reasons, to locate all living Armigers of a particular Scottish Armigerous Clan and obtain their support. Providing the Clan Society or the Armigers, responsible for co-ordinating the application for Council Membership, can demonstrate to the Officers of the Council that all reasonable efforts have been made to trace all known living armigers of the name, failure to identify all armigers will not necessarily preclude a Council Member from being elected. The Officers of the Council must be satisfied that no armigers who are eligible for membership have been unreasonably excluded from the nominations process.

(c) If following the election of a Council member for a three year term, a previously unknown armiger is located, or a member of the Armigerous Clan matriculates or re-matriculates arms and there are armigers who were not previously included in the election process. In such cases, the previously elected Council Member shall be entitled to complete their three year term, after which any newly located armiger must be included in any subsequent process to appoint a Council member. During the interim period, any eligible Scots armigers can join the Society as Associate members.

(d) Where more than one Clan or Family Society or Association claims to support and represent a Scottish Armigerous Clan, it is at the discretion of the Officers of the Council which Society or Societies is most appropriate with which to engage. The Council may also engage directly with the Armigers of Armigerous Clans and not with Clan Societies if required.

(e) It is recognised that on occasions, it may not possible for all armigers to agree on which from amongst them should be put forward for council membership, because there is more than one Armiger wishing to become a Full Council member. Following notification to the Secretary, the Officers of the Council can help Armigerous Clans to find ways of reaching agreement by imposing conditions on the Armigerous Clan Society or the Armigers. For example, the Officers of the Council may impose a condition that a Clan Society allows their members to vote on their preferred choice of armiger, in order to reach agreement. The ballot may be overseen by a member of the Council if required.