



Council of Scottish Armigerous Clans and Families: Guidance Note 1

Membership Eligibility and Admission of Full Council Members

Introduction

The Committee has approved the following guidance to aid Clan Societies and prospective candidates for Council membership when submitting their applications. This guidance document is based upon enquiries received by the Committee from Clan Societies and Armigers. As a result, it does not contain guidance on all aspects of the Council's Constitution, but rather focuses on those parts which the committee has been asked to provide further guidance. As the Council evolves it is expected that this document will be updated with subsequent versions.

II Council Membership

(i) Armigerous Candidate Requirements

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

(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 of 1672; or

(1) Guidance

(a) For the purposes of 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 still possible for an armiger to sit on the council and their tenant or heir to represent them as a depute member.

(b) With regards to 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 and this identifies a person or persons who claim to be in lawful possession of Scottish armorial bearings which have not been matriculated by that individual with Lyon Court to confirm they are lawfully entitled to them. They will be required by the Committee to matriculate the arms with Lyon Court, before they can be considered for Council Membership.

(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. Where the heir to the arms is not so named in the 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.

(d) It is common for Clan Societies to matriculate armorial bearings. Members of Armigerous Clan Societies are eligible to re-matriculate their Clan Society's arms and to bear differenced versions of those arms. Persons bearing re-matriculated Clan Society arms are not eligible for Council membership, as the arms must be granted or re-matriculated to the individual personally and not as a cadet of their Clan Society.

(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) of which there is evidence that numerous persons bearing the name or names have had a long and well established presence in Scotland over several centuries; and

(2) Guidance

(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) and the arms of which they are in lawful possession 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 the 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 where a candidate bears a compound surname, 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.

(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 above, providing sufficient evidence can be provided to the Committee to demonstrate that (a) in the opinion of the Committee, those bearing the name in Scotland are in 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 to merit Council Membership 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 the Clan or Family Society acting on behalf of the armigerous members of the Scottish Armigerous Clan or Family, or the Armigers themselves to take all reasonable efforts to locate, contact and inform them of the existence of the Council, the intention to the submit an application for membership and their possible eligibility for membership.

(b) The Clan Society should co-ordinate communication between the 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 that the Clan Society or Armigers, responsible for co-ordinating the application for Council Membership, can demonstrate to the Committee 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 Committee must be satisfied that no armigers who are eligible for membership have been unreasonably excluded from the nominations process carried out by the Clan or Family Society.

(c) If following the election of a Council member for a five 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 application for Council Membership submitted to the Committee by the Clan Society or Armigers of the Scottish Armigerous Clan. In such cases, the previously elected Council Member shall be entitled to complete their five year term, after which any newly located armiger must be included in any subsequent process to appoint a Council member. In the interim period, any 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 Committee to determine which Society or Societies is most appropriate with which to engage. The Council may also engage directly with the Armigers of an 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 candidate. Following notification of this to the Secretary, the Committee can help Armigerous

Clans to find ways of reaching agreement by imposing conditions on the Armigerous Clan Society or the Armigers. For example, the Committee 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.