



**GUIDANCE NOTES ON SUCCESSION TO A PEERAGE
(with entry onto the Register of Hereditary Peers)**

1. These notes set out the procedure to be followed by a person seeking to prove their succession as the claimant to an hereditary peerage of England, Scotland, Great Britain or the United Kingdom.

2. It is not necessary to formally prove succession to a peerage in order to use a title but Peers who do not prove their succession will not be entered on the Official Roll of the Peerage, nor will they be entitled to have their name included in the Register of Hereditary Peers, maintained by the Clerk of the Parliaments pursuant to Standing Order 10(5). It may be worth bearing in mind that if a claim is not pursued on the death of the late Peer, it is likely to become progressively more difficult for each succeeding generation to produce all the relevant evidence to support a peerage claim.

3. A claim to establish formally, succession to a hereditary peerage is initiated by lodging a duly executed statutory declaration together with supporting documentary evidence – see paragraphs 7-14. The claimant is also required to lodge a petition, reciting the descent, with the Clerk of the Parliaments Office, House of Lords. The Clerk of the Parliaments Office in turn, refer the petition to the Lord Chancellor who, after considering the evidence, reports to the House as to whether the claim has been made out. In practice, the petition is not lodged with the House Authorities until the Lord Chancellor is satisfied with the evidence so that he will be able to report favourably on the claim. In the event that the Lord Chancellor is not satisfied that the claim has been made out he will refer the matter to the Committee for Privileges for adjudication.

4. Since the passing of the House of Lords Act 1999 there is no longer any automatic entitlement to a Writ of Summons to the House of Lords.

5. A child born as a result of egg, sperm or embryo donation is incapable of succeeding to a peerage held by, or transmitted through, those persons who are otherwise to be treated in law as its parents (see section 27 of the Family Law Reform Act 1987 and sections 27-29 of the Human Fertilisation and Embryology Act 1990).

SUBMITTING PROOF

6. In order to save both time and possible expense, any person who wishes to submit formal proof of succession is strongly advised to get in touch at once with the Crown Office. The person to contact is Mr Ian Denyer who can be reached at the address shown above either in writing, by calling at the office or by telephone. He will be happy to discuss the claim and to give advice on the evidence which the Lord Chancellor will need. Formal submission of evidence that the claimant has succeeded to the peerage takes the form of a statutory declaration to which certificates are exhibited verifying the facts. A draft statutory declaration and form of petition is attached.

THE EVIDENCE

7. Documents to be produced when the claimant is the first son by the first marriage of the last peer to have formally proved succession are:

- (1) the certificate of marriage of the late peer,
- (2) the certificate of death of the late peer, and
- (3) the certificate of birth of the claimant, which should be in the full and not the short form.

8. The documents exhibited will become part of the official record and, as such, are not returnable. Photocopy certificates are not generally acceptable. If, exceptionally, it is impossible to produce an original certificate, a certified photocopy may be accepted.

9. Except where a Barony was created by writ followed by a sitting, it may be necessary to produce the Letters Patent of creation or the Patent Roll entry relating thereto to show how the peerage descends. However, this may not always be necessary and claimants are advised to consult the Crown Office in the first instance. Generally the descent of the peerage lies through the 'heirs male of the body lawfully begotten', so that descent is usually confined to the male line.

10. If the relationship of the claimant to the late peer is more remote than that of the eldest son by his first marriage, further evidence as to pedigree must be furnished to prove the claimant's succession from the last peer who sat in the House of Lords, or from the ancestor common to them both, and to eliminate the possibility of a better claim arising.

11. The procedure described may also apply when the peerage passes through the female line or heirs general but this will depend on the method, or the terms of the Letters Patent, of creation. A female claimant is advised to contact the Crown Office for further information.

MAKING THE DECLARATION

12. The statutory declaration should be made by someone who was well acquainted with the last peer and his or her family, preferably a near relative who is not in the line of succession, or the family legal adviser. The declarant should be able, so far as practicable, to state the essential facts in relation to the claim from his or her personal knowledge, in particular, those which cannot be proved by evidence of register entries, such as the fact that an ancestor died without issue. If the declarant is not a relative, his or her connection with the family should be explained in the declaration. The Crown Office will be glad to advise on the choice of a suitable declarant.

13. It is very desirable for the Crown Office to be shown the declaration in draft, together with the exhibits, before it is made and formally submitted.

14. The declaration must be made before a Solicitor, a Justice of the Peace or a Notary Public 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 theday of.....20.. (signature of witness)". The person before whom the declaration is made should not be related to either the declarant or the claimant.

15. If the Lord Chancellor is satisfied that proof of succession has been established, he will report to the House accordingly and direct that the claimant is advised in writing.

C I P Denyer, MVO
Registrar of the Peerage