



# SCOTTISH BARONY REGISTER

Arms of John Kennedy, Baron of Dowart  
– used with permission.

Alastair K Shepherd WS  
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## 2024 ANNUAL REPORT – SCOTTISH BARONY REGISTER

This is the fourth annual report of the SBR; the idea being to give interested parties some idea of SBR activity over the year 2024. I intend to publish it on the SBR website and submit a copy to the Law Society Journal, Scottish Legal News, and my local paper, the East Lothian Courier.

### BARONIES REGISTERED

Historically, registrations have varied from 26 in 2019 to 4 in 2006. In 2024 there were 13 registrations, more than in recent years. Of the registrations, only 2 were re-registrations, in other words there were 11 baronies new to the register. There are now 201 baronies (and other dignities of the genus barony) in the register.

### ANNIVERSARY OF THE APPOINTED DAY

The SBR came into existence on 28 November 2004, the “appointed day” when feudal law was wiped from the legislation, and the SBR filled a small part of the resulting void. The Custodian of the SBR celebrated the 20<sup>th</sup> anniversary with a suitable potation.

### BARONIES AND ESTATE SALES

Two registrations this year related to sales of country estates. Clearly the agents involved decided that a barony title made the property more desirable, and both sales particulars made quite an issue of the barony. Agents and lawyers involved in the sale of country estates need to be alert to the existence of historic baronies; I can think of at least one instance where the barony of X was sold to the new owner of the estate of X for a substantial sum, a short time after the property sale settled. The new owner of the estate employed a different lawyer to acquire the barony title...



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## OPINIONS AND QUERIES

I have issued no formal opinions this year, but have answered numerous queries from lawyers and members of the public. One related to notarisation of assignations; my previous practice had always been to insist on the assignation of a non-registered barony to be sworn or affirmed. During Covid times, this was sometimes waived on cause shown. Often, Directors of Companies and Executors are prepared to swear/affirm, although the legal case for insisting on this is weak. The rationale is that a bad actor assignor might have previously assigned the barony to a third party, with neither party making use of the SBR. Notarisation adds, in my opinion, a layer of security to the transaction. Nonetheless, on cause shown, the Custodian is prepared to waive this requirement. A new development, at least to the SBR, is notarisation during a video/zoom conference. The feudal era in this way gently brushes against the digital era.

## FEES

Fees were increased on 1<sup>st</sup> January 2023 to –

First Registration- £800; Subsequent Registration - £400; Letter of Comfort - £75; Certificates of registration - £150.

No increase is planned for 2025.

## NEW VOLUME

The fifth volume of the SBR is now full and the sixth volume commenced on 1<sup>st</sup> January 2024. Volume five covers the years 2020-2023 and has been bound by the SBR bookbinder.



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## HEREDITARY SHERIFFDOM

Although abolished in 1746, I came across one this year running with a barony title. I agreed to register it along with the barony; I was amused that the family concerned had hung onto this feudal relic for a good 275 years, perhaps hoping that one day the Government would restore the privilege.

## ABANDONING A BARONY

Some years ago, the question arose as to how a barony could be allowed to disappear. Being a Crown grant, I could only suggest an approach to the Crown, or some jiggery pokery involving offshore trusts. Happily the decision was made after due reflection to keep the dignity, this one had been in the family concerned since 1482. It gave me great pleasure to add this dignity to the SBR.

Yours Sincerely

Alastair K Shepherd WS

Custodian.

## DISTRIBUTION

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**Editor, Journal of the Law Society of Scotland**

**Editor, Scottish Legal News**

**Editor, East Lothian Courier**

**Susan Stirling-Aird, Convention of the Scottish Baronage**

**Marcus Humphrey, Convention of the Scottish Baronage**

**Tony Cree, Registry of the Scots Nobility**

**Bruce Durie, Genealogist and Heraldist**