ANDREW C NORMAND CB
Lately Queen’s and Lord Treasurer’s Remembrancer
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CHAPTER 1

INTRODUCTION

Setting up the Review

Background

1.1 As the Queen’s and Lord Treasurer’s Remembrancer (Q&LTR) I was closely involved in the operation of the Treasure Trove (TT) system in Scotland from my appointment as Crown Agent for Scotland in December 1996 until shortly before the completion of this Review. During my period as Q&LTR I made visits (accompanied by the Chair of the Treasure Trove Advisory Panel) to a number of local museums around Scotland (from Lerwick to Stranraer). This provided an opportunity to become more familiar with the local museum scene and more aware of relevant issues and concerns about the operation of the TT system.

1.2 In 1999 the Scottish Executive Education Department (SEED) published two Information Booklets on Treasure Trove in Scotland. One of these contained Information on Treasure Trove Procedures, Criteria for Allocation and the Allocation Process. The other provided Guidelines for Fieldworkers. The leaflets are annexed to this report as Appendices A and B.

1.3 In its Introduction the Procedures and Allocation booklet explained that the information it contained was for “those who wish to acquire material that has been claimed by the Crown under Scotland’s Treasure Trove/bona vacantia law. It will eventually form part of a set of Guidelines covering all aspects of Treasure Trove procedures, to be issued to the Scottish museum community.” The Introduction also contained a commitment that - “The criteria for allocation and the allocation process will be reviewed in the light of experience of their operation no later than two years after their introduction.”

1.4 In November 2002 the Society of Antiquaries of Scotland held a specialist seminar on “Treasure Trove: problems and potential”. The seminar invitation made reference to the two above-mentioned booklets, stating that the booklets were “currently due for revision prior to reissue” and that it seemed timely “to take stock of the strengths and weaknesses of Treasure Trove and consider how it may continue to develop to best serve the cause of protecting, recording and preserving Scotland’s portable antiquities.”

1.5 In the course of the seminar, which I attended along with Crown Office, SEED, Historic Scotland (HS) and Treasure Trove Advisory Panel (TTAP) colleagues, various criticisms were made of the operation of the current system and proposals for change were offered. Attention was drawn to the fact that the review promised in the 1999 booklet was overdue and it was argued that the review should now proceed and the booklets should be revised as a matter of urgency.

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1 1999a
2 1999b
3 1999a at page 3
1.6 In describing the background to the setting up of the Review it is relevant to note also developments in 2002 on the Scottish museums scene, with the completion of the National Audit of Museums and Galleries, followed by a consultation exercise by the Scottish Executive on the development of an Action Plan for Scotland’s museums and galleries. Commenting at the launch of the Audit report on 10 July 2002, the Director of the Scottish Museums Council (SMC), Jane Ryder, had observed that the data “convincingly demonstrate that collections of great national significance are by no means confined to the national organisations.” She posed the question – “Can we manage Scotland’s treasures more effectively, bringing them to a wider audience?” The consultation period that followed the launch was set to close on 6 December 2002, with a view to publishing the Action Plan in the Spring of 2003. A review of Treasure Trove arrangements was arguably therefore timely in that context.

1.7 Finally, towards the end of 2002, an inquiry into the current state of archaeology in the United Kingdom by the All-Party Parliamentary Archaeology Group of the Westminster Parliament was reaching its conclusion. The First Report of the Group on The Current State of Archaeology in the United Kingdom was published in January 2003 and contained recommendations about portable antiquities, including a recommendation for resourcing a scheme in Scotland analogous to the Portable Antiquities Scheme in England and Wales and a recommendation about the funding of rewards for Treasure Trove finds.4

Terms of Reference

1.8 Following discussion with the SEED and the Crown Office it was agreed at the end of November 2002 that I would carry out a review of Treasure Trove arrangements. The following terms of reference were agreed:

To review the arrangements for dealing with finds of portable antiquities in Scotland under the law relating to Treasure Trove and bona vacantia, including in particular the criteria and process for claiming and allocating such finds and related questions concerning the organisation of responsibilities for this work.

Scope of the Review

1.9 The basic commitment (in the 1999 publication) was to review the criteria for allocation and the allocation process in the light of experience of their operation. The issues that had been raised at the Society of Antiquaries seminar were largely related to those matters, but they extended to questions about allocation of responsibilities and resources as well as covering aspects of procedure and practice. Some questions of law were also raised. The terms of reference of the review were therefore drafted to allow wider consideration of relevant issues, as appropriate, around the core remit of considering the allocation criteria and process.

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4 See paragraphs 109 and 111.
Timetable

1.10 The agreed timetable (reflecting my anticipated availability) was December 2002 to March 2003, with the target date for submission of my report being the end of March. It was recognised that this allowed only a limited time for carrying out the exercise. In the event there was slight slippage with the timetable and this report was submitted in early April 2003.

Review Team

1.11 In undertaking this project I received invaluable assistance from Dr. Susan Wiltshire, Research Officer with Scottish Executive Social Research. I am indebted to her in particular for her research work in relation to finders, reported in Chapter 3, and her analysis of responses from museums and others, which forms the basis of Chapter 4. I was also greatly assisted by Helen Warnock and her team at the Crown Office *Utitmus Haeres* Unit and by Imran Bashir, a trainee solicitor at the Crown Office. I appreciated too the support from colleagues in the Crown Office Unit, Corunna House, Glasgow. I could not have carried out this exercise in the limited time available without the commitment and contributions of all these colleagues and I am extremely grateful to them for their help and support.

Conduct of the Review

1.12 The work of the Review principally comprised –

- Review of (limited) available documentary material.
- Obtaining (or checking) factual information about current processes and administrative arrangements.
- Gathering information and views about experience of the operation of the system and about possible improvement. This was the major part of the project.
- Comparative study – obtaining and discussing information about the operation of the equivalent systems in neighbouring jurisdictions - England, Wales, Northern Ireland and the Republic of Ireland.
- Analysis of information, views and findings and preparation of a report.

1.13 The process of gathering experiences and views was undertaken through a combination of meetings with key stakeholders and circulation of questionnaires or standard letters to stakeholders and other interested parties. Where appropriate more detailed information on the relevant arrangements is contained in the subsequent chapters. However, it may be helpful to mention here the general structure of the approach to collecting information and views, which was under the following headings – general, finding and reporting, claiming and allocating, valuation and reward, other.

1.14 I believe that the extent of the consultation with possibly interested parties was substantial in the time available. A considerable number and range of interested people and bodies were given an opportunity to contribute. The finders’ survey described below was, for example, an innovative exercise. I should acknowledge, however, that I could not claim that the consultation was absolutely complete. In the
limited time for the Review, some parties were not included. An example is archaeological bodies that have been active in Scotland but are based outside Scotland, such as the archaeology departments of some English universities. I suggest that such parties might be given the opportunity to comment if this Report is put out for consultation, which I think it should be.

Advisory Group

1.15 I have been very fortunate to have the assistance of an expert Advisory Group. Its membership is shown below.

Chair – Dr. Barbara Crawford, Chairperson of the TTAP
Dr. David Breeze, Chief Inspector of Ancient Monuments, Historic Scotland
Dr. Alastair Brown, Solicitor to the Q&LTR, Crown Office
Dr. David Clarke, Keeper of Archaeology, National Museums of Scotland
William Fox, SEED Tourism, Culture and Sport Group
Jane Ryder, Director, Scottish Museums Council
Val Turner, Regional Archaeologist, Shetland

1.16 The Group met on three occasions during the period of the review. It provided invaluable advice and information, including about organisations and individuals to be consulted. Members also facilitated research with their respective bodies or interests. The Group offered very useful comments and suggestions on emerging findings and on my draft report. I am most grateful to the members for their time, advice and assistance and for the very amicable and constructive discussions at our meetings. Their expert input has helped to ensure that this report is soundly based - although the responsibility for its contents (and any imperfections) is of course mine not theirs.

Structure of Report

1.17 Following this introductory chapter the report consists of a chapter describing the system, chapters setting out research findings from the various main elements of research work, and then a section containing analysis of findings, conclusions and recommendations. That is followed by a summary of recommendations. It contains both proposals for changes and some recommendations for retention of important existing features of the system. However, retention of some other aspects of the current arrangements is also covered in Chapter 6. Supplementary information is provided in a number of Appendices.

5 Represented, when not available, by Richard Welander.
6 Attended in place of Jane Jeffrey
CHAPTER 2

DESCRIPTION OF THE SYSTEM

2.1 The system of Treasure Trove/bona vacantia in Scotland is described in information leaflets issued by the Scottish Executive Education Department in 1999 on TT Procedures, Allocation Criteria and Process\(^7\) and Guidelines for Fieldworkers\(^8\) and in a small number of published articles and papers\(^9\). In this chapter I shall attempt to add some detail to the descriptions in the booklets, to assist understanding of the way the system currently operates, and the chapter will also briefly outline the roles of key players.

Legal Framework

2.2 The current arrangements rest essentially on common law and long-established custom and practice. Unlike in other neighbouring jurisdictions\(^10\) the system is not governed by statute. The Crown’s right to treasure trove/bona vacantia (ownerless goods) was clarified in the leading Scottish case of the St Ninian’s Isle Treasure in 1963\(^11\). The law in Scotland covers both “treasure” (narrowly-defined) and the wider category of bona vacantia, and what is called the Treasure Trove system in Scotland in fact deals with the full range of portable antiquities.

2.3 The operation of the system is supported by the common law criminal law of Scotland, including the law of theft. There is, for example, no statutory reporting requirement or related offence provision and no statutory period for reporting.

2.4 It is however relevant to mention that there is statutory provision in Scotland in the Civic Government (Scotland) Act 1982\(^12\) which imposes a duty on a finder of lost or abandoned property to report the find or deliver the property to the police (or other specified persons). It is an offence to fail to comply.

2.5 There have been no cases in recent years on any aspect of the operation of the Treasure Trove system. There is, therefore, no authority on issues such, for example, as the application of the provisions of the Civic Government (Scotland) Act to finds of archaeological objects.

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\(^7\) 1999a
\(^8\) 1999b
\(^10\) See Chapter 5
\(^11\) *Lord Advocate v University of Aberdeen and Budge* 1963 SC 533
\(^12\) Section 67
Policy

2.6 Policy responsibility for the system lies with Scottish Ministers. It is exercised by the Minister for Tourism, Culture and Sport through the Tourism, Culture and Sport Group of the Scottish Executive Education Department. The “scheme”, however, is run by the Queen’s and Lord Treasurer’s Remembrancer (Q&LTR), as noted below.

2.7 In 1994 formal responsibility for the administration of Treasure Trove in Scotland was transferred to the Secretary of State for Scotland and the Scottish Office from HM Treasury, which had held this responsibility since the Treaty of Union in 1707. Responsibility was then devolved to Scottish Ministers and the Scottish Executive on Devolution in 199913.

2.8 The role of the Minister comprises policy oversight of the Treasure Trove procedures, and responsibility for making appointments to the Treasure Trove Advisory Panel. The Department is also responsible for funding administrative support for the Panel.

2.9 There is no recent published statement of Scottish Executive policy on Treasure Trove. However, the following statement - “It is important to emphasise that the allocation system is designed to ensure that objects claimed as Treasure Trove remain in the public domain and are preserved in perpetuity in publicly accessible collections” – in the introduction to the SEED information booklet on Procedures and Allocation14 remains consistent with the current policy approach of the Department.

2.10 The policy of the Crown (as represented by the Q&LTR) has continued to follow the approach that has operated for nearly two hundred years of using the Treasure Trove system to safeguard Scotland’s heritage of portable antiquities and archaeological objects by preserving claimed objects in the public domain and placing them in suitable institutions, for the benefit of the Scottish public.

Operation of the System

2.11 The system operates primarily through the Queen’s and Lord Treasurer’s Remembrancer (Q&LTR) (in the person of the Crown Agent for Scotland), the Treasure Trove Advisory Panel (TTAP) and the relevant support units - namely the Crown Office Ultimus Haeres Unit and the TTAP Secretariat.

2.12 The Q&LTR is the Crown office-holder responsible for claiming objects for the Crown under the law of Treasure Trove and bona vacantia. The role of the Q&LTR also includes deciding on the allocation of objects to museums and the payment of rewards to finders. In carrying out his responsibilities the Q&LTR is assisted and advised by a solicitor in the Crown Office and an independent advisory panel.

2.13 The TTAP is the independent panel that advises the Q&LTR. It was first established in 1969, by administrative action of the Chancellor of the Exchequer and the Secretary of State for Scotland. At the time of the transfer of ministerial and

13 Scotland Act 1998 s.53 and Sch. 5 para. 3(1) and (3).

14 1999a, page 3.
departmental responsibility for Treasure Trove in 1994 changes were made in the size
and composition of the Panel. These changes followed representations from and
consultation with museum and archaeological interests. As has been noted, the
members are now appointed by Scottish Ministers – in practice the Minister for
Tourism, Culture and Sport. This is done after consultation with appropriate bodies.
The work of the Panel is unpaid, only expenses being reimbursed. The present
independent Chair is a medieval historian and there are three representatives of the
Scottish local museum community and one member representing the NMS.

2.14 There is no full and definitive statement of the precise remit of the Panel in the
1999 SEED booklets. However, the Fieldworkers booklet\(^{15}\) describes the
establishment of the Panel in 1969 “to advise the Q&LTR on valuations and
allocation”. The Allocation booklet\(^{16}\) states that “the role of the Panel – as an
advisory panel with requisite specialist knowledge – is to consider each case
individually, applying the allocation criteria fairly”.

2.15 As mentioned above, the work of the Crown Agent as Q&LTR is supported by a
Unit in the Crown Office (the headquarters of the Crown Office and Procurator Fiscal
Service). This small Unit deals with all the functions of the Q&LTR and is funded
out of *ultimus haeres* receipts.

2.16 The TTAP is supported by the TTAP Secretariat, which is located in the NMS
and served by staff seconded full-time or part-time from the Museum. The small
Secretariat is funded by the SEED, through the NMS. TTAP members’ expenses are,
however, paid by the Crown Office Unit, which also contributes financially to
communication and other equipment for the Secretariat.

**Others involved in the System**

2.17 Finders of archaeological objects that qualify to be considered for claiming by
the Crown as TT/*bona vacantia* fall into three principal groups – metal detector users,
archaeologists involved in excavations, and chance finders. Discovery by metal
detection has accounted for around 50% of claimed finds in most recent years.
Appendix C shows a breakdown of method of discovery of TT cases for the period

2.18 The NMS provides expertise in the identification and valuation of finds.
Historically the National Museum also provided the only or principal home for finds
and for conservation, research, public access and display.

2.19 In more recent times local/regional museums have had an increasingly important
role in receiving and displaying claimed finds and they may also play a part in the
operation of the system in other ways, for example in receiving reports and the
deposit of finds.\(^{17}\)

\(^{15}\) At page 3
\(^{16}\) At page 4
\(^{17}\) In 2002 local museums had an involvement in nearly 40% of TT finds submissions.
2.20 The Scottish Museums Council (SMC) operates and maintains the registration system for museums in Scotland and more directly assists in the operation of the TT system by providing the use of its bulletin, *Tak tent*, for intimation of claimed finds and other relevant information.

2.21 The Finds Disposal Panel (FDP) deals with finds from government-sponsored fieldwork – excavations sponsored by Historic Scotland (HS). Its chair is a senior member of staff of Historic Scotland and the other members are one representative each of the NMS and the SMC and one independent advisor appointed by Historic Scotland. All material from Historic Scotland-sponsored fieldwork must first be considered for claiming as TT on behalf of the Q&LTR. If the Crown decides not to claim, ownership passes to Scottish Ministers and the FDP then advises Scottish Ministers on its allocation. (The senior official who acts for Ministers in this regard is the Chief Inspector of Ancient Monuments.)

**Current Procedures**

2.22 In the course of the Review meetings have been held with those currently involved in the operation and administration of the system and the following description of current procedures is based on the information from those meetings.

**Reporting, identifying**

2.23 The central unit for dealing with reports of finds is the TTAP Secretariat. The relevant guidance booklet – *Guidance for Fieldworkers* – lists the Crown Office, the local police or Procurator Fiscal, as recipients of find reports, but reports are now seldom if ever made to these bodies. Some reports are made to a local museum or archaeologist, but most reports now are made directly to the Secretariat. When a find is reported to the Secretariat, by the finder or a local museum, arrangements are usually made for the object to be sent to the Secretariat. When received by the Secretariat the find is assessed for any urgent conservation treatment. A receipt is sent to the finder along with details of the TT procedures and a photocopy of the relevant OS map with a request to the finder to mark the findspot. If a standard report form has not already been submitted by the finder one is sent out by the Secretariat for completion. The object is identified and dated, either by the Secretariat staff or NMS curators. A report is sent to the finder and external specialists are notified if the object is believed to be of particular importance or relevance to their research.

**Claiming/disclaiming**

2.24 Following consideration by the Secretariat staff and appropriate consultation with relevant specialists, if the object is of archaeological/historical significance and interest a recommendation is made to the Crown Office Unit that it should be claimed as TT. The Secretariat’s knowledge of previous relevant finds from the area, recognition of the importance of particular ‘hotspot’ sites, knowledge of relevant current research, and ability to contextualise finds are crucial considerations in recommending an object for TT claiming.

2.25 On receipt of the standard TT claim notification form the CO Unit routinely accepts the recommendation and issues standard letters to the finder and the Secretariat formally advising them on behalf of the Q&LTR that the Crown’s right to claim has been exercised. The Q&LTR is directly consulted only in exceptional
cases, as the longstanding practice is that the expertise of the Secretariat (and any other specialists consulted) is accepted as justifying routine acceptance of recommendations. In reality the claim is a conditional one, as it is contingent on an appropriate museum seeking allocation of the object and being able to pay the reward – yet to be determined at this stage. Also – a claim may be queried by the TTAP when it comes to deal with the case at its next meeting. In practice this has not happened, the Panel’s view having accorded with that of the Secretariat.

2.26 Once the object is claimed it is digitally photographed by the Secretariat and copies of the photographs are sent to the finder.

2.27 If after appropriate consideration and consultation the Secretariat concludes that the object does not merit claiming the Secretariat has authority delegated by the Q&LTR to disclaim the object, which is then returned to the finder with a certificate of disclaimer.

2.28 Figures for finds claimed and not claimed are shown in Appendix D.

2.29 In the context of claiming and disclaiming it is relevant to mention also at this point that there has been and continues to be a practice on the part of local museums, when consulted by finders, to carry out an initial process of screening finds and assessing their significance for TT claiming. This results in some finds of objects not being reported to the TTAP Secretariat because of the local curator’s or archaeologist’s assessment of the lack of importance of the object.

2.30 Reference has also been made above to the FDP. The current practice is that finds reported to the TTAP Secretariat from HS-sponsored excavations are routinely disclaimed by the Secretariat and returned to the FDP for disposal by that body. However, chance finds or finds of special value or importance from HS sites may be claimed and the TTAP continues to deal with a significant number of finds and assemblages from non-HS excavations\textsuperscript{18}.

\textbf{Allocating}

2.31 Claimed objects are advertised by the TTAP Secretariat in the SMC bulletin, \textit{Tak tent}, and museums are invited to submit bids for allocation. Dates of forthcoming TTAP meetings and application deadlines are also intimated. All museums that might potentially seek allocation of a find are sent full details of the find, including valuation.

2.32 The TTAP meets three times a year and considers applications for allocation. Detailed information about each object is provided to the Panel by the Secretariat and this is also copied to the Q&LTR.

2.33 The procedure and criteria for allocation are set out in detail in the SEED Allocation information booklet.\textsuperscript{19} These will be considered in more detail in later chapters, but it is worth noting a number of pertinent aspects of the process at this point.

\textsuperscript{18} 26 in 2002
\textsuperscript{19} 1999a
2.34 Firstly, in the great majority of cases the find is sought by only one museum. A contest for allocation is very much the exception. In recent years most finds have been sought by and allocated to local museums. In the 39 cases dealt with by the TTAP between 1997 and 2002 where there was a contest between a local museum and the NMS the find was allocated to the NMS in 23 cases. Of these, however, there were 15 cases assigned to the NMS on the basis of not splitting site assemblages (criterion 2.2 of the allocation criteria in the 1999 information booklet). In cases of “high quality” objects (as assessed by the TTAP Secretariat) the NMS application was successful in 5 of 10 cases. A substantial number of “high quality” objects were also allocated to local museums in the period, without any application for allocation by the NMS. Details of allocations are shown in Appendix E.

2.35 In contested allocations the relevant museums are advised of counter applications. It would seem that the hope expressed in the 1999 booklet that such notification will result in an agreement, following discussion between the museums, that only one institution will pursue an application has generally not been fulfilled. However, there has been at least one instance of a joint ownership agreement to resolve a contest and the recent drafting of a protocol and a concordat, respectively, in two areas of the country to try to avoid competing applications is an encouraging development.

2.36 It is probably worth remarking that experience suggests that the quality of applications varies considerably between museums. The quality of presentation of argument in support of an application is likely to have a bearing on the outcome of a contested allocation.

2.37 As regards the relationship between the Secretariat and the Panel, the Secretariat does not make any recommendation to the Panel as to the allocation of an object in any case considered by the Panel. The Secretariat services the TTAP meetings and is present to take minutes but the Secretary does not participate in the Panel’s discussion of allocation – other than in a formal or information-providing capacity. If there is consideration of the contested allocation to the NMS of an object the NMS representative leaves the meeting. The same procedure is followed in the case of a contested allocation involving another Panel member’s museum. This can result in the removal of two of the members from consideration of some cases – where the “bidding” museums are the NMS and the museum of one of the other members.

2.38 In contested cases it is the current practice of the Panel to advise the museums concerned of the Panel’s proposed recommendation to the Q&LTR concerning allocation and to offer 14 days for comment. Receipt of comments in response to such notification can lead to further consideration of the allocation at the next TTAP meeting, with consequent further delay in the process. Occasionally reconsideration, taking account of further information or representations, may result in a different recommendation from that originally proposed. The appeal procedure set out in the 1999 booklet has seldom been used, and is concerned in any case with review of the regularity of the process.

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20 1999a at page 9
Valuation and Reward

2.39 The letter from the CO Unit informing the finder that the find is claimed as TT also advises that the TTAP will attempt to identify the market value of the object (for the purpose of recommending a reward). It invites the finder to provide any information or suggestions regarding the value of the object that the finder wishes the Panel to consider.

2.40 Valuation of TT finds is largely carried out by the TTAP Secretariat. The process includes consulting auction house and dealers’ catalogues, antiquity dealers’ websites, metal detectorists’ magazines. The TT Administrator in the Secretariat also visits auctions, fairs, and dealers’ shops to keep information current. Specialists may be consulted in some cases. For example, all coins are valued by the relevant NMS curator. Interested museums are advised of valuations. Finders are not. Valuations suggested by the TTAP Secretariat are supported by reference in the TTAP meeting papers to the sources of information on which they are based. The Secretariat’s suggested valuations are normally accepted by the TTAP as the basis for their recommendation for a reward. Occasionally the Panel may request further information and/or recommend a slightly different figure for the reward. The Q&LTR almost always accepts the Panel’s recommendation about the amount of the reward.

2.41 The initial CO letter to the finder also offers the finder the opportunity to forego a reward. That option has only been included in the initial letter fairly recently. It was previously in the letter sent at a later stage in the process. In a small number of cases the finder has decided to forego the reward. (There have been 15 such cases since 1994.) Otherwise the CO Unit advises the finder of the amount of the reward (and the destination of the find) after the Q&LTR has received and accepted the Panel recommendation.

2.42 In recent years the Panel has occasionally recommended non-payment or abatement of a reward, in circumstances set out in the 1999 Fieldworkers booklet 21, and the Q&LTR has accepted such recommendations.

2.43 Because of government accounting rules payment of the reward to the finder cannot be made until the CO has received payment from the relevant museum.

General

2.44 There is no overall time target for the operation of the system and few targets for stages of the process. The time taken to deal with a case varies, depending on various factors, including the timing of TTAP meetings, and can take a year or more. The average time is difficult to assess but is estimated to be about 9 months.

21 1999a at page 5
CHAPTER 3

TREASURE TROVE IN PRACTICE: SURVEYING FINDERS’ PERSPECTIVES

Background
3.1 Among those invited to discuss their views on Treasure Trove, were the finders of treasure. They were a disparate group of people, accessed as individuals since they bore little or no relationship to one another. In contrast to England where metal detecting clubs proliferate, Scotland has few, the corollary being that finds are rarely reported by clubs but by individual detectorists, fieldwalkers and one-off finders. It was considered useful to speak to the finders to gauge their knowledge, experiences and perceptions of Treasure Trove as part of the review. The methodology for collecting and analysing finders’ responses is discussed below.

Methodology
3.2 Within limited time constraints it was decided to conduct a survey among finders who had reported finds and had these claimed within a five-year period between 1997 and 2001. Names were identified through the logging procedure of the TTAPS, which records details of all finds received. Finders were contacted by letter inviting them to participate in a survey on the basis of their experience of Treasure Trove. They were asked to complete a questionnaire, and provision was allowed for additional comments they might wish to make. Respondents were assured of anonymity and asked to respond within a two-week parameter.

Description of Sample
3.3 The sample was non-randomised and limited to 158 respondents. The findings from the sample are not generalisable to the larger population of finders and metal detectorists, since only those who have used the Treasure Trove procedure were invited to participate in the survey. Finders who have not used the Treasure Trove procedure, for whatever reason, are therefore not represented in the analysis that follows. Anecdotal evidence from finders about unscrupulous detectorists did emerge as a prominent theme however, and is discussed in the findings section.

3.4 Finders were categorised as three distinct groups of people according to the extent of their experience with Treasure Trove. Group 1 were current finders who consistently reported finds and therefore had considerable experience of the Treasure Trove procedure. Group 2 were one off finders and by far the largest category, with limited experience of the procedure. Group 3 were similar to Group 1 except that for reasons unknown, they no longer reported. As the study progressed, 3 other finders were also sent questionnaires because they were perceived as having some interest in Treasure Trove, either as metal detectorist club members, or possessing knowledge of both the Scottish and English system of claiming treasure. They have not been included in any of the groups and did not return questionnaires. The groups are illustrated below by number of questionnaires sent and returned (Table 1).
<table>
<thead>
<tr>
<th>Group 1</th>
<th>Current Finders</th>
<th>16</th>
<th>13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 2</td>
<td>One-off Finders</td>
<td>119</td>
<td>41</td>
</tr>
<tr>
<td>Group 3</td>
<td>Former Finders</td>
<td>23</td>
<td>12</td>
</tr>
<tr>
<td>Total Questionnaires</td>
<td>158 sent</td>
<td>66 returned</td>
<td></td>
</tr>
</tbody>
</table>

Table 1: Finders by Group

The questionnaires

3.5 The semi-structured, self-completion questionnaires were administered to the sample at a single juncture in February 2003. Questions were constructed by drawing on the main components of the Treasure Trove procedure: general; finding and reporting; claiming and allocation; valuation and reward, and other. Operationalisation drew on these aspects, in particular probing finders’ knowledge, understanding and experience of the Treasure Trove procedure. Suggestions about such issues as allocation of items, were also allowed for in the provision of multiple choice responses to questions. There were 27 questions in total, several of which were open-ended to facilitate the generation of more in-depth data.

Interviews

3.6 In addition to the questionnaires three individual in-depth interviews were conducted around loose themes pertaining to Treasure Trove. Two of these were with metal detectorists in different regions of Scotland, one a club member and the other an individual searcher. The third interviewee, also a metal detectorist club member, had knowledge of the recording and claiming procedures of both Scotland and England.

Analysis

3.7 In the data analysis there has not been any use of statistical inference techniques. This is for three reasons: sample type, sample numbers, and the gendered nature of the sample. Since the sample was not randomly selected, the analysis did not permit inferences to a given population. In conjunction the study was not aiming to establish concise causal connections between variables. Secondly, with 66 responses from 158, the numbers were too small to conduct valid tests of significance. Finally, since women were barely represented as finders, in particular in Group 1 and 3, gender distribution was insufficient and therefore not a variable upon which any tests could be performed. Despite this, it is interesting to note that finders were overwhelmingly male, and that none of the metal detectorists in Group 1 and 3 were female.

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3.8 Excel was used to record questionnaire responses, and SPSS to formulate frequencies so that the data could be indexed in terms of similarity and contrasting content.

3.9 Qualitative data from the three interviews were analysed thematically, with interview notes examined for references to finding and reporting. These references were organised in terms of both similarity and contrast of content. Although there were only three individual interviews with finders, saturation of categories occurred, consistent with those emerging from the questionnaires to the extent that the data shows typicalities. The strength of the three interviews was that they facilitated more in-depth ‘thick description’, \(^{23}\) not amenable to survey techniques.

3.10 The following section explores finders’ responses to the questionnaire in terms of the main themes that emerged. Data from interviews has been used at times to support or add other details to questionnaire findings.

Findings

3.11 The data is broadly presented under the following headings: General; Finding and Reporting; Claiming and Allocation; Valuation and Reward, and Other.

General

i. **TTAP Secretariat**

3.12 Regardless of criticisms of various aspects of the Treasure Trove procedure, the assistance received from the Secretariat was considered in very positive terms, in particular as ‘helpful’ and ‘professional’. One finder wrote that ‘the assistance from the Secretariat has always been first class’. Another admired the ‘speedy and efficient way they continue to deal with the receipt of finds . . .the information supplied  [and] the rapport I enjoy with them and the motivation’.

ii. **Clubs**

3.13 A third of all finders who returned their questionnaire said that they were a member of a metal detectorist club, or local archaeological or history club. Almost half of those in Group 1 claimed membership of a club, and just over half of Group 3. 12 of the total number of those in clubs (22) were in metal detectorist clubs.

3.14 One interviewee said that most metal detectorists worked alone and that this was the preference for many because detecting is a ‘private and competitive business’. By contrast, two of the other interviewees (club members), felt there should be greater club formation and membership across Scotland. This was to encourage and improve communication with archaeologists and museums, a view supported by questionnaire comments. One finder suggested that the TTAPS:

> “should consider improving access to the clubs and individuals via the hobby magazines. This could be followed up by the provision of

information and formats for registering finds possibly through an individual within each of the clubs”.

Finding and Reporting

i. Knowledge of Treasure Trove and relevant literature
3.15 Just over half of the respondents said they had known about Treasure Trove when they made their first find. Those who had not known had asked for information at the local museum. For all finders, people contacted about the procedure were most likely to be museum curators, followed by local area archaeologists, and finally the TTAPS.

3.16 Well over two thirds of finders thought their legal obligation to report had been made clear, though the questionnaire had not asked by whom. However, two respondents felt that the Treasure Trove procedure needs to be more aggressive in prosecuting transgressors, while several others talked about the legal obligations as intimidating. One finder said that the TTAPS ‘needs to get the general population to be possessive about their history so that the power would exist to prosecute and humiliate the scoundrels out there.’

3.17 Slightly over half of respondents had ever read the 1999 SEED document Guidelines for Fieldworkers. Approximately half of these had found the document useful or positive in some way, while the other half expressed the opposite. One finder suggested instead, ‘a new brochure format, shorter version, and up to date leaflet’. An overwhelmingly majority felt that information about Treasure Trove should be more publicly available, primarily in museums and libraries. Others agreed that access to information could be mediated via website or tourist offices, while a few suggested the provision of information in magazines and/or schools.

ii. Motivation to report
3.18 Finders were asked what they thought motivated people to report and were provided with a list of options. The most popular responses were concern for Scottish heritage, followed by identification of an object. Slightly less highlighted motivation by reward, and to a slightly lesser extent, the legal obligation. One interviewee said that whilst money may motivate the ‘unscrupulous nighthawks’, this was not the case for other detectorists who are urged by ‘a strong sense of duty’ to report for the benefit of contributing to Scotland’s archaeological record.

iii. Involvement
3.19 After items had been reported, respondents were asked whether their involvement had been encouraged. Under one third indicated that it had, and that it increased their satisfaction. A typical response for example, was that:

“It made me eager to find more of my areas history which otherwise would have been lost due to weather and modern farming methods.”

3.20 Being kept informed was one of the main ways that finders interpreted being involved. This was considered important for two main reasons - the enhancement of personal interest and gleaning further information about the find.
iv. Time
3.21 Whilst most finders said that they had been given an indication of the length of the time that the procedure might take, from either museum curators, local area archaeologists, or the Secretariat, most finders expressed frustration here. Length of time taken was a resounding criticism of the whole procedure.

3.22 The questionnaire asked people how long the procedure had taken. It is not clear from the questionnaires whether the actual time taken exceeded the length of time that had been indicated to them. The majority of finders’ responses fell into three categories. These responses indicate a split between 3-5 months, 6-12 months, and over one year. For most this had taken either 3-5 months, or 6 – 12, up to one year when both categories are collapsed. However, it had taken in excess of one year for about a fifth of the respondents.

3.23 Experienced users of the procedure reasoned that reporting their find to their local museum often resulted in the delay of some Treasure Trove procedural aspects. It was therefore ‘quicker when dealing with [the] TT Secretariat as opposed to the museum where the artefact is held.’

3.24 Some felt that excessive time length might be a factor for non-reporting. A representative response reads, ‘the length of time has always been a sore point . . . all the red tape [and] encourages non reporting.’

iv. Non-reporting
3.25 Several areas related to non-reporting. These revolved around a sense of ownership of finds, general findspot issues, and nighthawking.

3.26 A small minority of finders indicated that when they found an object there was some reluctance to report because of a sense of informal ownership and relationship to the items found. For example, one interviewee indicated that he felt a sense of ownership of the site because he had identified the site on the basis of his own extensive research. On a similar theme, some finders said that reporting the object meant that the findspot would either become ‘public property’ and therefore available to other finders, or the site would become scheduled thus prohibiting further exploration of that site. For example, one finder said:

“for some people there is a suspicion that the find location might be compromised and they have a mistrust of the procedure and establishment.”

3.27 Some finders expressed the fear that other metal detectorists might plunder the site, thereby risking inaccuracies in Scotland’s archaeological and historical record. This was further compounded where finders felt that land access was restricted, although this was a non-reporting factor for a very small minority. One finder commented that ‘this type of action causes the undesirable people of our hobby to nighthawk . . . and place their finds on the black market and losing our heritage’
Other issues around non-reporting related to museum retention, that is, ‘things being kept by the museum’. Indeed, according to a minority, ‘a lot of finds retained by museums are never seen again’.

**Claiming and Allocation**

**i. Broad definition**

3.29 Some respondents felt that Treasure Trove is a system that ‘takes things away’. For example, one man commented that he ‘was upset because my find was taken away from me by the museum and I only wanted information’ about the item. A significant minority were not happy about having to report everything. Among this minority, a few mentioned coins. The complaint was that small, local museums are now claiming these, including those that are no longer rare. This linked to non-reporting, with one finder explaining that ‘certain people will be less than happy to send in their coin finds if they think they’ll be claimed.’

3.30 It was deemed important to return finds to finders, where items are common. One finder said:

> “some items should be returned to the finder when the item is quite common. I have had a few items claimed and the acquiring museum has had plenty and better examples already. I think in those circumstances it would be better to return the finds to the finder.”

3.31 Some others remarked that there ought to be some choice over where objects are allocated.

**ii. Local/national**

3.32 Respondents were not asked how they would define national importance, but were presented with four statements that they could agree or disagree with as follows:

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<tbody>
<tr>
<td>1.</td>
<td>Finds should always go to a local museum</td>
</tr>
<tr>
<td>2.</td>
<td>Finds should go to the local museum if they are of local and/or regional importance</td>
</tr>
<tr>
<td>3.</td>
<td>Finds should always go to the national museum</td>
</tr>
<tr>
<td>4.</td>
<td>Finds should go to the national museum only if they are of national importance</td>
</tr>
</tbody>
</table>

3.33 The most popular responses proved to be a combination of 2 and 4. Almost everyone disagreed with the statement that finds should always go to the national museum, with under one quarter saying that finds should always go to the local museum.

3.34 One prevalent view - based on responses to the above and more general responses in the questionnaire - was that finds should be allocated to local museums. A prominent concern was that the NMS were ‘taking all the high quality finds’. Moreover, there was some dissatisfaction expressed about the perceived lack of
information and poor communication from local museums in contrast to that received from the national.

3.35 Some finders were concerned about finds being removed from local communities and some of these said that if the national museum had a better relationship with the local museums, things might improve. For instance, addressing issues of access. However, there was a sense that local museums needed upgrading to cope with finds.

*** iii. Display ***

3.36 Several respondents said that they did not know where their find had been allocated. A few said that ‘finds never see the light of day’. One finder summarised his disappointing experience:

“I recently took my young daughter to see my find . . .only to be told it was locked away in a box . . . .The reason for handing in finds is so the public can view them.”

3.37 Another said, ‘if I had known that it was not going to be displayed I would not have declared it . . . I could’ve kept it in my collection’. Similarly, ‘it would appear that a lot of finds retained by museums are never seen again.’

*** iv. Acknowledgement ***

3.38 The majority of finders felt that they should be acknowledged alongside the find on display. One finder summarised these feelings in depth:

“Their certificates should be issued to those whose finds are claimed by the Crown and that copies should also be displayed at museums, as an encouragement to others to find or send antiquities to the Treasure Trove for examination.”

3.39 Interviewees also felt that finders should be credited. They considered this as a way of further encouraging people to report finds, particularly as prestige is an important facet for the finder.

*** v. Land access ***

3.40 A small minority of finders had experienced some restrictions on where they were allowed to search from farmers and/or landowners. For example, ‘farmers saying that the countryside commission is asking them not to allow metal detectorists or field walkers access to their land’. Restricting land access was linked to non-reporting.

**Reward and Valuation**

*** i. Valuation ***

3.41 There was considerable dissatisfaction over the valuation of finds. Some finders felt that the valuation ought to be seen as independent, and others criticised the lack of appeals procedure for contesting the valuation:
“I firmly believe that the TT should obtain their own valuations from . . . those who write continually for metal detecting magazines . . . Should he or she feel the amount is inadequate then the finder should advise TT accordingly.”

3.42 There seemed to be an assumption among some finders that their finds’ were not awarded their ‘true’ value. One finder said, ‘there is no proof that we are getting the proper or adequate value for the object compared to a collector of that object would pay privately’.

3.43 Others seemed perturbed that they were obliged to trust others to provide a valuation:

“I was not shown anything to show me the true value of the find and just had to take what I was told at face value.”

3.44 Furthermore, for some, not being assured of ‘the true value of finds’ might encourage non-reporting. By contrast, one man commented that the reward system should be removed since this encourages people to sell on the ‘black market’, whilst two finders said ‘the panel should be the sole valuers of any object found.’

ii. Reward
3.45 Several finders said that they would like the immediate release of reward on valuation rather than having to wait for it. One interviewee explained that ‘some people rely on that money and it makes a real difference to them’.

3.46 In terms of people accepting a reward, only a few had chosen to decline. This was because they either ‘did not want the money’, or chose to donate the item to the museum.

3.47 For some, there was ‘fear of not receiving an adequate reward’, and this was cited as a deterrent to reporting.

Other

i. Nighthawking
3.48 Many finders seemed to be motivated to search and report for the benefit of Scottish heritage. There was a strong feeling that there were other metal detectorists who were not driven by the same motivation, but who plundered sites for their own interests/profit. These people were described as nighthawks and jackals. Their actions generated a negative image of metal detectorists generally. Their activities also had implication for relationships with archaeologists.

ii. Archaeologists
3.49 For some finders, the relationship between metal detectorists and archaeologists was described in bitter terms of mutual resentment. Archaeologists were perceived as undervaluing their contribution to museum displays and accusing them of damaging the environment. By contrast some metal detectorists said that the archaeologists actually do the damage, retain finds, and do not publish excavation results. One interviewee said they destroy sites and do more damage than metal detectorists
because ‘they dig on undisturbed soil’. He added that ‘archaeologists are reluctant to accept the positive contribution of metal detecting to recent finds . . . [They] find a substantial number of things, so attitudes towards them need to change’.

3.50 Others conveyed similar views with strong sentiment. Indeed, it was suggested that metal detectorists were perceived by others as:

“second rate, uneducated treasure seekers out for personal gain and only finds oriented. Well, when I find a Celtic turret ring in a field where no dig would ever take place, I can almost hear the chariot pass by, the first man to touch this in 2000 years!!!!”

iii. Communication

3.51 The theme of communication was raised both between museums, and between finders and museums. Some felt that communications between local museums, the NMS and themselves as finders ought to improve, especially in terms of identification of an object and its final allocation. One finder expressed this by saying that the ‘response to people’s finds is important even when it might seem a waste of time as encouragement is more productive than enforcing the law’.

3.52 Finders wanted a clearer indication of where finds would be allocated, and some wanted ‘more feedback about items but there is generally none.’ Finders wanted further information about the find after completion of the TT process, such as any subsequent research on the object.

3.53 Finders were also aware of resource issues, in particular the lack of funding for local museums and the ‘NMS as under funded and understaffed’. But Treasure Trove for some finders, needs to be seen as,

“Fairer . . . Cut the time process [and] have a fairer value on something [and] don’t constantly leave the finder in the dark.”

3.54 Indeed, one suggestion was,

“to have an expert on finds travel round to different local museums . . . so that fieldworker metal detectorists etc could take recent finds to be identified . . . I think it would encourage more finds to be reported . . . sometimes you don’t know if you have just junk or something worth reporting, after all you couldn’t possibly report every little thing you find.”

Representative Bodies

The National Council of Metal Detectorists

3.55 As well as gauging the views of finders in Scotland, it was considered useful to have some dialogue with representatives of the National Council of Metal Detectorists (NCMD). The organisation was very willing to assist with this exercise and three spokespeople attended a meeting, two from England (including the General Secretary) and the third from Scotland. With a membership of around 150 clubs, the
NCMD provides a voice for metal detectorists in England. They claimed a similar role, albeit to a far lesser extent, in Scotland too. They provide guidance to club members about the position in Scotland and the law relating to Treasure Trove. The Scottish representative said that people in Scotland were unclear about the legal position pertaining to Treasure Trove. This did not emerge as a prominent theme from the finders’ survey, however, although a number of issues raised by finders were similar to those highlighted by the NCMD.

3.56 Whilst the finders’ survey had indicated poor relations with such people as archaeologists, the NCMD reported that the introduction of finds liaison officers in England had been a positive means of establishing effective and affirmative links between metal detectorists and others.

3.57 The NCMD articulated their perception that the valuation of items by the TTAPS was not independent, a view also consistent with the finders survey. Another consistent theme was that finders should be acknowledged next to items displayed. In conjunction, it was suggested that some finders do not want a reward, merely some form of recognition.

3.58 The NCMD maintained that it is the recognised voice for metal detectorists in Scotland, with advice and guidance provided through their website. Its representatives expressed willingness to give greater prominence to the Scottish system and rules in its published or website material. It was also agreed that it might be beneficial to have a member of this body on the TTAP. They did, however, refer to another body, the Federation of Independent Detectorists (FID).

Federation of Independent Detectorists
3.59 FID were contacted and invited to submit the view of their organisation. The reply was presented by a brief email, with two main points. Firstly, that the way the Scottish system operates has not interfered greatly with detectorists. Secondly, that there has been less friction between national and local museums in England and Wales, than in Scotland. The Federation claims to have many members in Scotland and are aiming to be more proactive in Scotland to encourage membership of their organisation.

3.60 Both the NCMD and FID maintain a code of conduct accessible through their respective websites.
CHAPTER 4
MUSEUMS, ARCHAEOLOGISTS AND OTHERS:
PERCEPTIONS OF PROCEDURE FROM THE PERIPHERY AND
THE CENTRE - THE EXPERIENCE OF TREASURE TROVE
AMONG USERS AND KEY PLAYERS

Introduction

4.1 This chapter presents views on Treasure Trove (TT) from a range of associated perspectives. These include the National Museums of Scotland (NMS), the Scottish Museums Council (SMC), and other museums invited to convey their views and experiences of Treasure Trove. In addition, the Association of Regional and Islands Archaeologists (ARIA) were asked to participate in the review, as were the small number of archaeological contractors who operate in Scotland. The chapter also presents the views of the Society of Antiquaries of Scotland (SA), and finally the Treasure Trove Advisory Panel (TTAP), supported by concluding comments from the TTAP Secretariat (TTAPS). Their main points are presented below, commencing with the NMS, SMC, and other museums. Thereafter, the position of ARIA is detailed alongside other archaeological groups, and finally, TTAP and TTAPS.

Note on Methodology

4.2 Experiences and understandings of Treasure Trove were mediated through an oral and/or written format. Whilst meetings had been convened with several bodies (some submitting a written response in addition), others received letters requesting information corresponding to the remit of the review. Methods of information gathering are summarised below (Table 2).

<table>
<thead>
<tr>
<th>Method Used</th>
<th>TTAP &amp; TTAPS</th>
<th>NMS</th>
<th>SMC</th>
<th>Museums</th>
<th>ARIA</th>
<th>Archaeological Contractors</th>
<th>Society of Antiquaries</th>
<th>Other</th>
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<tr>
<td></td>
<td>Meeting &amp; Written Note</td>
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Table 2 : Bodies Consulted in Review Process

4.3 Participants in the review did not receive a questionnaire or engage in any structured interview. Thus the information gathering exercise was conducted differently to the finders’ survey, though some replication of the themes addressed with finders was necessary. Rather, the methods of information gathering allowed the participants referred to above, to respond in a flexible, in-depth manner, guided but not restricted by the headings: General; Finding and Reporting; Claiming and Allocation; Valuation and Reward, and Other.
4.4 Meetings were conducted with the following: SMC, NMS and ARIA. These were held at various locations with the Q&LTR and formed an important component of the review.

4.5 Approximately 200 letters were sent to museums across Scotland, with a response of 19. Museums received a letter, which outlined the proposed review and invited them to express their views about the system and suggestions for improvement. They were asked to record their responses under the following headings: General; Finding and Reporting; Claiming and Allocation; Valuation and Reward, and Other. Others who received letters (archaeological contractors, and the Society of Antiquaries) were invited to respond in a similar format.

4.6 The low response from museums restricts the wider application of findings to only those that responded rather than the museum community as a whole. Specifically, the findings cannot be generalised to the larger population of Scottish museums. However, the SMC response is valuable in this respect, and provides more robust indicators of common themes among museums. It should also be noted that given that the SMC convened to discuss the review as a representative museum body, it might be that some museums elected to express their views through that particular forum rather than through an individualised response. The corollary of this is that there may also be some duplication of contributions through both the SMC forum and separate museum responses.

4.7 Data from museums and archaeological contractors’ written responses were analysed thematically, with responses coded by references to the headings. These references were organised in terms of similarity and contrasting content. Other data from associations’ meetings, some supported by written responses, is presented in summary format.

4.8 Responses from museums and archaeological contractors have been anonymised to conceal the identities of contributors.

National Museums of Scotland

4.9 There was a discussion of the role of the NMS. Reference was made to the mission of the NMS, which is “to provide Scotland with a national museum service of international standing, which preserves and enhances the collections in its care and promotes research on them . . .”. The organisation’s new outline vision was also mentioned, this being “to provide a world class museums service for the people of Scotland, visitors and other audiences”, which comprises inter alia “a distinct national role in leading the museums sector in Scotland” and “the effective development, management and interpretation of the national collections”. It was felt important to promote the NMS more effectively as a “national” museum, rather than an Edinburgh one.

4.10 The NMS representatives drew attention to the NMS response to the National Audit Action Plan consultation. That contains, for example, reference to the need to put in place “an effective and realistic strategic framework”, “effective partnership working between groups of museums” and “the sharing of expertise by NMS”. In the context of TT the NMS representatives confirmed the willingness and commitment of
the NMS to share its expertise across the sector, which could most effectively work in new ways through partnership. Reference was made to examples of recognition that ownership need not determine access – such as the joint ownership arrangement, which was made in respect of one of the most notable TT finds in recent years. Reference was also made to a partnership approach with a local authority in relation to the ownership and care of excavation assemblages and significant finds emanating from that area.

4.11 The NMS confirmed its continuing interest in acquiring some TT finds, for example some objects of national or international importance, but made the point that being of national importance does not mean that all such objects have to go to the NMS. The difficulty of actually defining “national importance” was acknowledged. The comment was made that, contrary to apparent perceptions, the NMS does not claim – and even if it does – does not get many finds. There is recognition of the appropriateness of some material being held near its place of origin. Mention was made of what might be regarded as a “long stop” role of the NMS in acquiring material through TT for which no other museum bids, but which merits curation in perpetuity. In such cases the material may be made available to an appropriate local museum for display.

4.12 The importance of the outcome of the museums strategy review to the NMS and its relationships with other Scottish museums, and to the TT arrangements was emphasised.

4.13 Turning to the organisational arrangements for TT, the NMS raised several points pivotal to the administration of TT, a common denominator being lack of clarity. They noted that the various agencies involved in TT administration - Scottish Executive, Crown Office, Treasure Trove Advisory Panel, museums, and finders - have ambiguous roles and responsibilities. In this respect, clarification was deemed necessary. On a similar theme, the issue of line management was raised in relation to TTAPS staff. Moreover, the authority by which the TTAP has generated work for the Secretariat seemed unclear. Two suggestions were made. Firstly, that NMS could deliver an agreed fixed cost service with full management responsibilities passed to the NMS. Alternatively, that TTAPS could become Crown Office employees. In the latter case the NMS would provide accommodation and related services.

4.14 It was suggested that the TTAPS become an independent unit within the national museum. This proposal was driven by a perception of the TTAPS as having an NMS bias because it was seen as operating under the auspices of the NMS Archaeology Department.

4.15 The NMS response also indicated that some rationale was required around the constitution of the Panel (TTAP). In particular, its duties need defining more broadly and beyond that of “advising the Crown Agent” with regard to valuations and allocations, as is the case at present. In addition, they questioned whether the Panel membership should be restricted to the museum community, especially as conflicts of interest can arise. Suggestions for a more differentiated constitution included other informed experts, without museum allegiance particularisms, and also a member of the public.
4.16 Resource issues were highlighted as being of particular significance and several points were made in relation to these. Specifically, funding for such activities as outreach, in tandem with publicity for the effective operation of the system was considered insufficient. The NMS reasoned that effective outreach would facilitate improved partnership between museums, help change finders’ attitudes to reporting, and heighten the profile of TT generally.

4.17 Finally, there was thought to be useful potential in appointing liaison officers for finds, with a similar role to Finds’ Liaison Officers in England and Wales. The main benefits of replicating this role in some way would be to facilitate outreach, and to promote better relations around the local/national issue. This would also help to offset any perceived Edinburgh bias and promote TT as national. Again, this approach would need to be looked at in association with the proposed museums’ Action Plan.

Scottish Museums Council

4.18 The SMC convened to discuss the review and all SMC members were invited. Consensus emerged around particular themes, discussed below.

4.19 General comments about TT were that although there have been high profile disagreements about allocations by the TTAP, matters have very much improved in recent years. They emphasised that the main problems revolve less around allocation and more around public interface issues. An underlying problem that emerged from SMC’s consultation was that the system was considered under-resourced at all stages. Insufficient resources culminated in blockages in the processing of material, alongside inadequate transportation and conservation.

4.20 On finding and reporting, a critical comment was that the length of time between reporting and disposition of finds remains a problem. In addition, because the system is so centralised, museum curators are unable to exercise discretion in deciding whether or not an item should be considered for TT. This not only lengthens the process but also frustrates the finders who are looking for ongoing information from the TTAP and TTAPS. It was suggested that there would be some benefit in providing finders with copies of letters sent to relevant institutions, at the same time. This would present finders with an outline and explanation of what happens. SMC also felt that published lists of finds and allocations would be valuable.

4.21 SMC observed that there are no published criteria for claiming TT and this was considered problematic, in particular making it difficult for museums to offer advice. They reflected that many people had thought that whether an item is claimed is the decision of the TTAP. In reality however, the decision to recommend claiming lies with the TTAPS. They strongly recommended that the criteria on what will be claimed as TT should be clarified, and that there should be more lucidity around the decision making process involving the TTAP.

4.22 On the theme of bidding, SMC were of the opinion that it should be possible for more information to be offered prior to bidding through the use of new technology, for example, via digital images. On the issue of assemblages, they felt that these
should be kept together, although they recognised that there have been difficulties in terms of storage space and access.

4.23 The idea of establishing a network of Finds Liaison Officers, based in local museums, evoked a positive response. It was suggested that these officers could be proactive in publicising the scheme and providing advice. However, the associated resource requirements would be considerable.

4.24 On claiming and allocation several points were underlined. In general, museums have accepted that, although there will inevitably remain some high profile contentious cases, the system of allocation works well. There may still be a need for clearer expression of the guidelines to reflect the current practice that there is no presumption of allocation in favour of the NMS. The question remains, however, of the circumstances in which the NMS should have priority. That raises a much bigger issue than falls to be encompassed in this review – namely the role of the NMS in the 21st century.

4.25 The point was made that contested bids are not necessarily between the NMS and the local museum, but can be between two non-national museums. It was suggested that this reinforced the SMC recommendation that there ought to be an effort to harmonise collecting policies, for example, through joint ownership. However, this raised questions about the archive expertise and storage capacity of museums.

4.26 It was suggested that the condition of objects could be problematic because few (if any) museums undertake conservation work before reporting to the TTAPS because all items are deemed Crown property. As pressure for local allocation grows there was concern that the condition issue might become significant. In this respect, the responsibilities of the NMS require clarification.

4.27 There were two main issues around valuation and reward. One was that few finders were actually motivated by financial rewards, rather they convey some “emotional investment” in their finds. A further issue related to affordability since it seems that acquisition budgets are minimal. The problem of insufficient resources is endemic. There are not enough resources for adequate conservation, storage, display, and research. Indeed it was noted that some museums are unable to bid for assemblages through the Finds Disposal Panel (FDP) due to lack of storage space.

4.28 Additional topics raised by SMC included reference to the introduction of a formal offence for trading in illicit objects. Also, that there needed to be some means of establishing that when items are allocated as TT, they are being properly looked after post-allocation. SMC also proposed that it might be sensible in the long term to merge the Finds Disposal Panel and TTAP to address resource issues, although they reflected that an alternative approach might be to improve the current TT process. There was however, unanimous recognition for the work of the current TTAPS, and it was noted that most of the problems identified above are a result of insufficient resources, as opposed to either error or dysfunction.
Museums

4.29 Museums expressed mixed views about TT, but some replication of themes emerged. Several of those who replied were not familiar with TT because they lacked experience on account of the nature of their collections. In addition a few had very limited experience or only some, while the remainder had extensive experience of the TT procedure. Responses highlight areas of concern by drawing attention to many themes, most of which had been raised by the SMC. These are presented in more detail below.

4.30 Some museums communicated their frustration around the TT procedure. In particular this focused on issues of resources, bidding, allocation, valuation, and questioning the impartiality of the TTAP. This was reflected in the tone of responses, some of which were rather more intense than those expressed in other submissions.

4.31 In general terms, among the museums that had played a role with TT, it was evident that there was a broad-based awareness of the TT procedure, though a few had not been through the system at all. The latter, a small number, had either “heard of TT” or knew nothing about it.

4.32 One consistent impression from various museums was that finds ought to be allocated locally. Allied to this was the perception of an Edinburgh allocation bias. Indeed, it was felt that the perception of an Edinburgh NMS bias could result in a reluctance to report. There was some suggestion that this perceived bias could be somewhat offset by making the TT process more transparent and the criteria clearer. One museum commented that TT is “slow, secretive, unresponsive, too closely identified with the NMS and . . . does not encourage finders to come forward with material”. Both the tone and content of this remark resonated across some other museum responses.

4.33 Several museums said that they used their own discretion or “common sense” about what to report. For these museums, deciding what to report was largely in accordance with “past experience”, which fed into their perceptions of the claim-worthiness of an item. Moreover, there was some anxiety over relationships with finders in relation to reporting. One response for example, explained that curators had to be careful not to “make people feel compelled to report”. Relationships with detectorists were considered important, although there was some anecdotal evidence of knowledge of non-reporting among detectorists. This information was indirect, having generally been brought to their attention by other detectorists. Another concern was that “the provenance of material from some individuals can be dubious.”

4.34 Resource issues were raised around the costs of transporting finds to Edinburgh, which also had implications for delays in the process. Assemblages were discussed in terms of affordability because of associated storage costs. It was felt that assemblages could put undue pressures on museums’ financial and storage resources.
A further resource issue emerged around the areas of valuation and reward. Several museums said that they were unable to compete with larger museums, for example, one respondent said, “we are at a disadvantage in terms of raising costs.” Others said that valuations vary widely and “are supported by dubious rationale.”

4.35 Several museum responses reiterated the need for regionally based TT staff, “like the Finds’ Liaison Officers in England and Wales”, with the potential to liaise with the public, promote TT and assist in identifying finds. The need to raise the public profile of TT and Scottish heritage generally emerged as a prominent theme from a significant number of museum responses.

4.36 Various museums were concerned about delays, which seemed to have the potential to occur at any stage in the process. In particular, delays were frustrating for the finders’ that museums were dealing with. Indeed, one museum declared that, “the process is failing badly in public relations terms and is serving to disengage an exasperated public.”

4.37 There were many critical comments about the length of time that the procedure took. In particular, this fuelled poor relations with finders and was considered detrimental to the public image of TT. One typical museum response was that “the system does not supply enough information to finders and leaves this to museums. The system does not engage with the public.” Another response on the protracted nature of TT was that “once material is reported it disappears into a black hole.” Some interest was expressed in a formal information process to keep museums informed about excavations and finds.

4.38 There were various comments about the TTAP, with a number of museums offering comments about its constitution, and the frequency of its meetings. Some felt that the Panel ought to have wider representation. More meetings were called for, one perceived benefit being acceleration of the procedure.

4.39 It was also evident from museum responses that there were concerns about contesting bids. A few museums either had in practice, or recommended in their review contribution that there would be some benefit in establishing local agreements with other museums in their neighbourhood to avoid contesting bids. An alternative was that the TTAP should make more decisions about contesting bids rather than allowing contestants to resolve this themselves.

**Association of Regional and Islands Archaeologists**

4.40 During the meeting with ARIA several themes emerged that they considered relevant. Some of these correspond to the themes presented above.

4.41 ARIA felt that there is a risk to both the environment and heritage not only from lone detectorists, but also some universities. For example, with university excavations there was the fear of finds being taken abroad or more commonly, not being reported for some considerable time, if at all. Also on the issue of reporting, some members of the group alleged that people have items in their own homes, which they are reluctant to report for “ownership” reasons, and fear of where such objects
might be allocated, that is, outwith their locality. The Association recognised a role for reporting through local museums, but would welcome greater local discretion.

4.42 The issue of local museums versus the National Museum emerged as a prominent theme. There was some perception of the NMS as “the Crown museum”, which was linked to the perceived dominance of Edinburgh. Similarly, the TTAPS was perceived as lacking impartiality. This was a minority view, however.

4.43 One criticism centred on a lack of resources for the smaller museums (e.g. bidding, ‘second rate’ objects), and the NMS in terms of storage space. One suggestion was encouraging developers to contribute towards providing costs incurred in the general process relating to finds (display and conservation), as seems to be the case in England.

4.44 Although ARIA archaeologists do attempt to provide guidance on TT, they explained that the ultimate responsibility is passed to planning contractors and thereafter compliance is not actively monitored. Occasionally some attempt is made to establish where finds have gone. The main reason for the absence of through-monitoring was lack of resources. The Association expressed a wish for arrangements that would allow a museum to come onto a developer site early in the procedure to advise and make appropriate arrangements for the material. They would welcome the opportunity for local agreements between specific museums and developers and noted that developers often seek local publicity from excavation and such arrangements would be likely to be viewed more favourably than finds leaving the region.

4.45 Brief mention was made of reclassifying what constitutes TT since this was considered excessively broad, though this was the view of a minority in the group.

4.46 As with other meetings, the idea of replicating in some way the role of Finds Liaison Officers in England was considered positive, though the issue of trust arose in this context. This centred on the problems this might pose for ‘outsiders’ entering an established local community.

4.47 According to ARIA, whether a find is currently acknowledged on display as TT, tends to operate on a regional museum-by-museum basis. However, attributing finders’ names to their find, as a means of recognition was overwhelmingly considered positive, as was the idea of certificates. The theme of acknowledgement has emerged consistently throughout review meetings, and had also been considered favourably among finders.

**Archaeological Contractors**

4.48 Several archaeological contractors were also invited to submit responses. Their responses are discussed briefly below. Several areas highlighted correlate with the themes above.

4.49 For contractors, dealing with TT is continuous, and responses generally indicated a high awareness of TT among their staff. However, the current system of reporting was considered a source of confusion to some of these archaeologists, and
this was despite their knowledge of and consultation with the relevant information documents.  

4.50 A small number of responses regarded the relationship between the TTAP and FDP as “unclear”. The reporting of assemblages was considered a particularly protracted process, especially since some material was sent to specialists prior to the notification of TTAP. Other specific criticisms about the protracted nature of the procedure were that the periods between reporting assemblages, whether these are claimed, and museum allocation was considerable. Moreover, a minority of respondents said they would like clearer guidelines on the amount of detail required for reporting purposes, and whether additional supporting documentation and environmental samples should be supplied by them. Two responses added that they would like clearer guidelines on the packaging of assemblages, while another said that it would be a good idea to receive expenses for both the delivery of boxes to museums, and also for storage.

4.51 Problems around non-claiming were also highlighted, in particular uncertainties around identifying a museum that might accept unclaimed material. Some of this material might be too valuable to discard but archaeological contractors have limited storage capacity. One suggestion was to advertise unclaimed material in Tak Tent. This might also “encourage feelings of fairness” among museums.

4.52 Other areas of concern from a minority of contractors, was the desire for information on the legal implications of returned items that have not been claimed by any museum. Also there was the view that material available for allocation, together with allocation decisions should be published.

4.53 Consistent with comments from other bodies above, was the idea of enhancing the interface between the public and TT. Contractors highlighted the need to advertise TT to the public, through leaflets/booklets, and television programmes. In addition, several responses said there might be some benefit in widening the membership of the TTAP. One final minority comment was that the position on other archaeological material such as pollen slides and charcoal lacked clarity.

Regional Archaeological Committee

4.54 An archaeological committee for one area - although not invited to respond formally - became aware of the review and submitted a written response (categorised as ‘other’ in Table 1). As a body they claimed to have little connection with the actual process of reporting, in contrast to some of their museum members. However, there was some overlap of contribution with another review submission.

4.55 The committee ensures that when they participate in fieldwork finds are correctly reported. However, they were acutely aware of people’s dissatisfaction with the length of time the TT process can take. They suggested that local museums could be more involved in processing TT, for example with the assistance of FLOs. Having noted that allocation of finds to the NMS was a problem, they called for the process

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around claiming and non-claiming to be clarified. In conjunction they stressed that ‘national importance’ ought to be defined and in what way this relates to the idea of a Distributed National Collection. They added that bids for items should be judged on long term display capacities.

4.56 On the theme of communication, they claimed that there was a low level of correspondence between the TTAP, TTAPS and finders, which causes disquiet. They suggested that TTAP members should be drawn from a wider pool of specialists and that there should be greater frequency of their meetings.

4.57 Remarks were also submitted about the role of the Crown Office. Namely, that the Crown Office needs to improve the policing of the black market in antiquities. They also asked whether the Crown Office is the right place for the administration of portable antiquities legislation – indeed, as they put it, “is it time to devise a 21st century law for a 21st century problem?”

4.58 On reward and valuation the main point was that the valuation process ought to be clarified. They added that many finders do not expect a reward but that some other form of recognition would be beneficial.

4.59 A further point was that of publicity. They suggested raising awareness through a website, in addition to good quality annual reports, road-shows and more general publicity. On issues of excavation they suggested that all excavation assemblages should only go through the Finds Disposal Panel, for more efficient resource distribution. Furthermore, they identified a need for the improved selection and archiving of assemblages. They considered this a problem compounded by finds going to museums and paper archives to RCAHMS. A final comment was that “TT needs to play its part in the ongoing formulation of the National Cultural Strategy and the Action Plan for museums.”

**Society of Antiquaries of Scotland**

4.60 The Society of Antiquaries introduced their comments by noting that having convened a TT seminar in 2002 to discuss associated problems and potential, many issues had arisen, particularly around the legislative and procedural domains. These informed the basis of their responses to the review. The general view was that current problems of TT are less about legislation and procedure, and more a result of inadequate resources and administration. Clearer written guidelines and information documents were considered necessary. Similar themes have emerged in the preceding material.

4.61 Again, the issue of processing time and concomitant dissatisfaction among finders was raised. They reasoned that many people were probably unaware of TT and the reporting of finds. Hence TT requires more publicity and also some form of policing, with the possible introduction of sanctions. Staff with a similar role to FLOs were - as responses above have indicated - considered potentially valuable to support the system in general terms.

4.62 On claiming and allocation, issues were raised around greater clarity of process, in particular clarification of the criteria for claiming and non-claiming. Similarly
such terms as local and national importance were open to various interpretations. An appeals procedure for contested bids was also supported.

4.63 The call for the clarification of criteria also emerged in relation to valuation and reward. In conjunction, resource issues especially around bidding for items were considered problematic for some museums. A further recurrent theme was that finders ought to be recognised by means of something other than a reward.

4.64 Other more general comments were presented on the composition of TTAP. Specifically, the society urged clarification of its status, role, responsibilities, and accountability. They also wondered whether Panel meetings should continue to be confidential. A suggestion was made for processing all excavation and fieldwalking assemblages through one allocation route. The implication was that this might help to offset the confused understandings that people have about the distinction between TTAP and the FDP. TTAPS on the other hand, were briefly discussed in relation to resources, suggesting the provision of more staff and longer-term commitment of resources.

4.65 The society also stated that areas of responsibility were unclear and obscure, from SE, SEED, CO, and the two Panels. Furthermore, that publicity needs generating around TT to inform the public. They also underlined their concern about ‘black market’ activities in antiquities, proposing that the bill currently pursued in England might be mirrored in Scotland. Finally, they stressed the chronic under funding of TT. From their perspective, this represents the most fundamental problem.

**TTAP**

4.66 In recent years, TTAP have been key players in the TT procedure. As a body they are particularly important in terms of general issues concerning the allocation of finds. Some of the Panel members also contributed responses to the review through other submissions.

4.67 The Panel suggested that it was often difficult to know who is reporting and not reporting, but they had a vague sense of who these might be. It was suggested that some people fail to report because they do not want finds taken to Edinburgh, or simply do not wish finds to be taken from their possession.

4.68 Some Panel members were wary of being seen as “policing the process”, explaining that although they can offer their professional guidance, the decision to report was really that of the individual finder. In this context, they drew attention to a lack of public awareness about TT, urging more publicity in this respect. One Panel member said that once people had been through the TT process they were usually satisfied with their experience.

4.69 Problems associated with reporting were not confined to individual finders but also with institutions such as museums. It was noted that the TT process could be lengthy, and there was a sense that museums applied the criteria differently. Archaeologists were also discussed, as a heterogeneous body of people driven by different interests. Whilst archaeologists may have guidelines pointing to the rules of TT, there are no checks to see how consistently these are applied. In the same
context, it was felt that there is an attitude of “finders-keepers”. Furthermore, the
distribution of archaeologists across museums tends to be erratic.

4.70 The Panel felt very strongly that FLOs would be useful, particularly in relation
to reporting and claiming. However, there were questions of funding and lack of
museum archaeologists in connection with FLOs.

4.71 The Panel appeared strongly opposed to the removal of items from Scotland and
some discussion around licensing ensued. In Scotland a licence for digging is not
required, though there are moves to implement this in England and Wales. This has
met with resistance from detectorists, however.

4.72 In performing their functions the Panel have regard to the relevant SEED
information booklet on allocation criteria. The Panel’s satisfaction with the current
TT literature was low, especially since it was felt that this does not sufficiently relate
to the public. Indeed, it was argued that this reflects the fact that TT is not seen as a
public issue but as a professional one.

4.73 There was consensus around the principle of ensuring that objects remain in the
public domain, though some members felt there was a perception that too much is
claimed. Further, they thought that people do not understand that the system assists
with the allocation and preservation of objects. Another critical comment was that
the system deals less satisfactorily with recording than it does with claiming. One
corollary of this is that people view the system as one that takes things away. The
Panel would like to make use of their professional judgement around claiming and
non-claiming.

4.74 Several other points were raised about claiming and allocation, with some
discussion around eligibility and museum registration. Particularly, the question of
whether all museums have clear and written collecting policies was raised, and
whether these are lodged with the TTAPS.

4.75 The Panel considered it necessary to impose requirements for written bids and
that bidding letters ought to construct a clear and lucid case. In practice some of
these merely reflected their own museum guidelines on bidding. They also thought
that bidders ought to indicate their source of funding for the reward because this is an
area where delays can occur. They agreed that finders should be informed in advance
about the value of the object and concomitant reward.

4.76 The Panel provided further comments in relation to existing criteria. Paragraph
2.1 of the 1999a booklet confirmed that there are “exceptional circumstances” where
special requirements apply, for instance special conservation techniques for
preserving items. In such instances, it is possible for museums to acquire grant aid to
purchase a special display case, for example. The current practice however, seems to
be that museums are informed about special requirements in response to an emergent
need rather than at the outset. It was felt that there is a need to retain the reference to
“exceptional circumstances” for atypical instances like that of the Cramond Lioness.
This would retain the system’s flexibility. It was suggested that it might be useful to

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have a code of practice to replace the guideline booklets. There was some uncertainty about whether criteria for allocation should be written on the basis of normal procedure, but this was considered the best way forward, since the anomalous application of criteria was rare.

4.77 Further reflection on criteria for allocation drew attention to paragraph 2.2 of the allocation booklet, dealing with assemblages,26 in particular noting ambiguity around the interpretation of this term. The Panel agreed that what constitutes an assemblage requires clarification. They also spoke of their reluctance to split hoards. Although there was some history of pre-existing divisions, there were few recent examples of splitting hoards. In the case of competing bids the Panel’s view is that assemblages – however vaguely defined – should not be split.

4.78 The Panel discussed the TT procedure from the point where an item is delivered to the NMS and their role in the procedure. From the outset, the TTAPS acts as a screening mechanism to decide whether something is claimed or not. Where finds are not claimed the finder does not receive information on item identification. The Panel felt that perhaps finders ought to be notified, although such correspondence would have implications for staff time. The identification of an object is heavily dependent on the NMS and other museums, in distinction to the TTAP. On occasion, some local museums however, have relayed incorrect information on item identification.

4.79 In terms of the Panel’s role, the main starting point pivots on whether a bid has been received. A crucial issue around bidding is that of locality. The Panel feels pressure towards making local allocations. Local allocation has become more important and the Panel has to justify decisions that go against local allocation. ‘Local allocation’ is however an ambiguous term. Some clarification is needed to show that this does not necessarily mean in closest proximity to a find. In making an allocation, the Panel explained that there is a need to consider the long-term curation of the find.

4.80 Another ambiguous term was ‘national importance’. It was pointed out that not all items of national importance are allocated to the NMS. Allocations depend on the relevance of an item to particular museum collections. National importance is rarely used as an argument. Other criteria for allocation include such factors as the ability to conduct subsequent research on an item, and display and conservation capacities. It was suggested that it would be a good idea for items to be loaned to other museums, drawing some distinction between ownership and display. It was argued that bidders need more guidelines to provide an explanation of the criteria discussed by the Panel.

4.81 The Panel agreed with the merits of a website to enhance public accessibility. They also suggested that the bidder should have resources so they can deliver lectures on any items acquired. In effect, this would advertise an item’s existence to the public.

4.82 Most of the group recognized that there were delays in awarding rewards to finders, and underlying factors were discussed. One was that the Panel only meets three times annually. One proposal for offsetting delays was to use the internet and

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26 1999a at page 6
emails to communicate information on finds. This would initiate the procedure before the object arrives in Edinburgh. A further suggestion was greater delegation to the TTAPS. The Panel agreed that there ought to be a process time target, particularly since it often took considerable time for individual museums to take objects to the NMS.

4.83 On valuation and rewards the Panel considered it necessary to consult with other experts or bodies occasionally. At present there is no formal provision for finders to challenge valuations. They did feel however, that the current system allows room for finders to offer suggestions. Moreover, there would always be issues about valuations. The Panel highlighted the importance of the abatement of rewards. The circumstances for abatement require clarification, however.

4.84 The Panel discussed their appointment and composition. They said that they would like some statement about their function and remit. The issue of remuneration was also raised. The question of how they are recruited and funded ought to be represented in guidelines. They also advocated more transparency around TT meetings and the Panel in general. They approved the idea of more generalist representation, possibly even a detectorist.

4.85 Finally, resource issues relating to the Secretariat were discussed briefly. One view in particular thought that TTAPS ought to be enhanced financially and requires more staff. The views of the TTAPS are discussed below.

**TTAP Secretariat**

4.86 On the subject of finding and reporting, the TTAPS provided evidence to illustrate that Scotland has find-clusters that are particularly high in some regions. On the whole these were attributed to good relations with detectorists and archaeologists in the areas concerned. In contrast, “cold spots” were also highlighted. These were areas where little reporting occurs despite “strong hints” of detectorist activity. It was suggested that one reason for not reporting was that people found that the system did not work for them. It might be inconvenient to report, for example, when the Secretariat is closed during the weekend. One perspective was that there was a lack of information about TT among the public. Many people are unaware of its existence.

4.87 The Secretariat echoed concerns expressed by others about removal from Scotland and non-reporting of finds from archaeological excavations carried out by universities from England.

4.88 The view was expressed that there is a strong need for statutory reporting. However, there was concern that if this were the case, excessive quantities of objects would be reported, much of which would be “dross.” There was also concern that statutory reporting might affect relationships with detectorists.

4.89 Modern technology, such as digital photography, was not considered appropriate in all cases to initial reporting. It was explained that these vehicles of communication have limited value in assisting with the identification of finds.
4.90 The claiming of items as treasure is essentially initiated by the TTAPS. One critical comment about claiming was that some articles might be claimed but end up being disclaimed. This is either because there is no museum interest, or museums are unable to afford to bid. The actual criteria for claiming are not written down anywhere. TTAPS explained that the way they evaluate claim-worthiness revolves around an item’s museum worthiness and national importance. TTAPS generally makes the decision to recommend claiming to the Q&LTR, though on rare occasions the decision is referred to the Panel. However, it was noted that there has never been an issue raised by TTAP or the Q&LTR about inappropriate claiming.

4.91 The group discussed awarding certificates to finders of both claimed and unclaimed treasure. It was noted that the current position is that where a finder reports something that is subsequently not claimed, they are issued with a certificate. There was considerable support for issuing certificates to finders of claimed items too.

4.92 The TTAPS commented that TTAP members are theoretically appointed for their expertise. In reality, however, they suggested that the expertise in claiming finds resides within the TTAPS, and this applies also to the valuation of items - a further task undertaken in practice by the Secretariat. In terms of allocation the Secretariat does not offer advice to TTAP, but on occasion the Secretariat draws the attention of TTAP to some points or arguments that they think the Panel ought to consider. The TTAPS was ambivalent on the question of the Q&LTR having a separate appeals panel, and made the point that this could make the Panel feel undermined.

4.93 TTAPS discussed combining the function of the Crown Office (UH) and the TTAPS. It was remarked that that this might be more economical and efficient. However, it was felt that it was important for people to know that items are claimed in the name of the Crown, and that letters received by finders from the Crown Office convey an important sense of official formality.

4.94 The group strongly supported the need for a documented code of practice, and also an adequately funded Treasure Trove website. (The latter is now in fact almost ready for launching.)
CHAPTER 5

COMPARATIVE FINDINGS: OTHER JURISDICTIONS

INTRODUCTION

5.1 In recent years there have been important developments in the area of Treasure Trove and portable antiquities in all our neighbouring jurisdictions in the UK and Ireland. I thought it important to obtain information about these to assess their possible relevance for our system.

UNITED KINGDOM

ENGLAND

5.2 I was greatly assisted by meetings and discussions with key people in the system in England - at the Department for Culture, Media and Sport (DCMS) and the British Museum (BM). I also had the useful experience of meeting the Treasure Valuation Committee and observing one of its sessions. I am grateful for the cordial welcome I received, and for the willingness of all those I met to explain and discuss the system frankly and patiently. Key points that I took from my consultation and examination of relevant material are noted below.

General

5.3 The Treasure Act 1996 replaced the previous common law of treasure trove, clarifying the law and defining what is treasure. In terms of the Act found treasure vests (generally) in the Crown.27 The definition of treasure has been slightly extended recently as a result of the Treasure (Designation) Order 2002, which came into force on 1 January 2003. This followed recommendations in a review of the operation of the Act.28 The Treasure Act was considered by all consultees to have been a success and the Code of Practice produced in terms of a requirement of the Act29 is universally regarded as an invaluable feature of the new system. It had been fully endorsed by interested parties, including the National Council for Metal Detecting (NCMD). Those consulted emphasised the value of a full consultation process in relation to changes to the system in England and Wales.

5.4 Attention was drawn in the meetings to other positive features of the system, such as the fact that a government department has responsibility for the system and the willingness of the department to ensure an effective and sympathetic public interface by receiving and dealing with inquiries from the public. Good relations with key stakeholders and the use of their journals/magazines to disseminate information and guidance were also deemed positive. Efforts had been made to address problem areas – for example the DCMS organised training seminars for coroners and museum curators before the Act came into effect and has held follow-up seminars for coroners.

27 Section 4
29 Section 11
since. The Department has also supported a seminar to try to improve reporting by archaeologists and it holds regular meetings with the NCMD.

Finding/Reporting

5.5 The Treasure Act has lead to a substantial increase in cases of reported treasure.\(^{30}\) Greater clarity of definition has been very helpful. A further slight increase in reporting is expected following the extended definition of treasure in the 2002 Order. The Act created a statutory reporting duty, within a set time and with an offence sanction. This is seen as a key feature of the new system. To date there have been no prosecutions for non-reporting. The Act requires reporting of finds to the local coroner. Arrangements have been made to make it as easy as possible for finders to fulfil their legal obligations under the Act.

5.6 Over 95% of reported finds are made by metal detector users. Good relations have been established with this group, and the President of the NCMD has been made a member of the Treasure Valuation Committee. The NCMD’s Code of Conduct for members is included in the Treasure Act Code of Practice as an Appendix.\(^{31}\)

5.7 It is still the case that only a small proportion of finds are treasure and the Portable Antiquities Scheme has been set up to try to ensure at least the recording of archaeological artefacts that have been found but are not treasure.

Claiming

5.8 It is the coroner who declares finds to be treasure – after a formal inquest. A local “Finds Liaison Officer” (employed under the Portable Antiquities Scheme), or a local “reporting centre” (local museum or archaeological service) is involved in receiving the find and informing the BM. The coroner normally only holds an inquest to determine if the find is treasure after being advised that a museum wishes to acquire the object – in which case a report on the find is provided by the BM (or local museum). Otherwise the find is disclaimed (on behalf of the Secretary of State) before any inquest is held. It appears that a fairly high proportion of finds are not claimed\(^{32}\) – one reason being lack of resources to fund rewards.

5.9 From my consultations the coroner’s involvement in the process is seen as valuable, in part because of his perceived independence and also because inquests are useful in establishing important material facts relating to the find, such as the identity of the landowner. It appears that the coroner’s role in the Treasure process is included in the current review of the coroner system.

Allocation

5.10 The Code of Practice states - “The current practice is that objects that are declared treasure are offered in the first instance by the Secretary of State to the national museum and that if the national museum does not wish to acquire the objects

\(^{30}\) From an average of about 25 per year before the Act to 306 in 2002.

\(^{31}\) Appendix 6

\(^{32}\) About half of all finds are disclaimed.
it offers them to other museums.”\textsuperscript{33} However, both BM and DCMS consultees stated that, notwithstanding the terms of the Code, the operation of the system in recent times has not in practice involved a pre-emptive role for the BM. The relevant statement has, nonetheless, been retained in the very recently revised edition of the Code and it does appear that the right of pre-emption may still be used at times, for example when a new category of artefact comes to light.\textsuperscript{34}

5.11 The current policy is to promote local acquisition and the BM supports that. The BM only acquires on the basis of “national importance”. It was considered difficult to define this in precise terms, because the importance of such factors as location and type of object can vary in significance over time. There was also a suggestion that “national importance” may often in BM practice actually equate to international importance. There do not appear to have been contested allocations to the BM - perhaps not surprisingly given the terms of the Code. But there have been a few recent contests between local museums. Such disputes, if they cannot be resolved between the parties, may ultimately have to be decided by the Secretary of State – although that situation does not yet seem to have occurred.

Valuation/Reward

5.12 Any find that a museum wishes to acquire must be valued by the Treasure Valuation Committee, which consists of independent experts appointed by the Secretary of State. The Committee’s role was specifically agreed by Ministers, and Nolan procedures now apply to appointment of members.

5.13 The Committee uses a panel of suitable experts (dealers etc.) to provide provisional valuations. Reportedly the use of experts in the trade has not resulted in any significant inflation of values, although there have been instances of wide ranges of values and discrepancies between different members of the panel. (There were examples in the cases for consideration at the meeting I attended.) The Committee tries to take a principled approach to its task – based on the Code - and appears keen to give interested parties an opportunity to contribute, for example in relation to challenging valuations. Other players in the system were positive about the existence and operation of the Committee. There was general support for an independent body of this kind with this role.

5.14 It appears to be unusual for finders to forego the payment of a reward. The position may be complicated by the entitlement of landowners to a share of a reward, but there was a suggestion that more might be done to encourage foregoing of rewards. There is recognition of finders in the description of individual finds in the Annual Report, and this is seen to be desirable. Finders may also be mentioned in BM descriptions of the circumstances of finds in displays.

\textsuperscript{33} DCMS 2003. \textit{The Treasure Act 1996 Code of Practice (Revised)}, page 38, para.63
\textsuperscript{34} See \textit{Treasure Annual Report 2000} page 88
Portable Antiquities

5.15 The Portable Antiquities Annual Report 2000-2001 concludes with a paragraph which comments on how the operation of the Portable Antiquities Scheme may benefit the operation of the Treasure Act arrangements. The report states:

“A national network of Finds Liaison Officers in England and Wales will be of great benefit to the efficiency and smooth running of the Treasure Act, helping the Government meet its obligations under the Valetta and UNESCO Conventions to which the United Kingdom has recently acceded. The Finds Liaison Officers are best placed to advise finders of reporting procedures for treasure items in their area, and will be able to help finders report and courier objects of potential value.”

5.16 The report noted the higher increase in treasure cases reported in areas covered by Finds Liaison Officers (FLOs) than elsewhere and the acquisition of objects by museums for public benefit. Consultees in this Review confirmed that the Scheme and the FLOs appointed to implement it had indeed delivered benefits to the operation of the Treasure Act.

5.17 All those consulted also agreed that the Scheme has been an undoubted success in improving knowledge and recording of finds of archaeological objects. Some of these then find their way to museums, although many others may help to support an active market in archaeological finds.

Organisational Matters

5.18 The administration of the Treasure Act system in England is somewhat fragmented, with coroners, local bodies (Finds Liaison Officers and museums etc), the British Museum, the Department for Culture, Media and Sport, and the Treasure Valuation Committee (and its advisers) involved in the process. There are process targets under the Code, but also the potential for delay at various points as a case proceeds. No figures appear to be available yet as regards achievement of the targets. Interestingly, there were no serious criticisms voiced about the involvement of several different people or organisations in the process. On the contrary there was support for the role of the different players. Two particular features that appear to make a very positive contribution to the operation of the system are the new Finds Liaison Officers, operating at a local level but part of a national scheme, and the new post of Treasure Registrar at the BM, providing a central point of contact and administration. There is, however, an issue about the present and future level of business and the adequacy of resources to cope with it. The impression gained was that the DCMS and the BM are stretched to deal with the current workload.

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36 A study undertaken in the BM in September 2002 found that the equivalent of 12 full-time posts deal with treasure-related work, while the DCMS employs two and a half full-time officers.
WALES
5.19 The information obtained at meetings in London about the operation of the Treasure Act and the Portable Antiquities Scheme was usefully supplemented by information about experience in Wales. This was provided at meetings at the National Museums and Galleries of Wales (NMGW) in Cardiff with the senior staff involved in the Treasure Act process and the Finds Coordinator for Wales (Portable Antiquities Scheme). I greatly appreciated their warm welcome and openness in discussing the system.

General

5.20 For purposes of the application and operation of the Treasure Act in Wales, the relevant national museum is the National Museum of Wales. In Wales, as in England, the Treasure Act is considered to be a success. The example was given of how the new definition of treasure had facilitated the acquisition by the National Museum of an important find that would not previously have fallen within the definition of treasure. The inclusion of an independent official or body at stages of the process is seen as valuable.

Finding/Reporting

5.21 There has been a substantial increase in the number of reported finds since the new system came into operation, although the overall number remains relatively low\(^{37}\). The great majority of finds come from metal detectorists. Few items have been reported from excavations, but few large-scale investigations are undertaken in Wales by archaeologists. There are some fieldwalkers who occasionally make finds. There have been no prosecutions for offences under the Act, and no abatement of rewards involving cases in Wales. There is a single Finds Coordinator, Portable Antiquities Scheme, who covers the whole of Wales, but a number of museums and archaeological units act as reporting centres to facilitate convenient reporting for finders. A number of treasure items, often not recognised as such by finders, have been reported through the Scheme. A few finders approach the coroner directly to report their finds. Reports and the artefacts are submitted to the NMGW, where a senior member of staff coordinates processing and monitors progress - in effect operating as a ‘Treasure Registrar’ for Wales.

Claiming

5.22 Specialist reports for coroners are all prepared by the National Museum, through the appropriate specialist Curator. The independent role of the coroner is considered to be important, although there may sometimes be delays at this stage.

Allocation

5.23 In Wales proportionately more treasure finds are regarded as being of “national importance” and therefore acquired by the NMGW in accordance with the practice stated in the Code, than is the case for the British Museum in England. One reason is

that the collections in Wales are not so well developed as in the BM. The Treasure Act has benefited the national collections, as regards first refusal of treasure finds. Expertise is largely concentrated in the NMGW, which is a centre for scholarship and research. For purposes of acquisition, “national significance” is understood in broad terms.

5.24 There are many local, registered museums in Wales and some have benefited from the system and acquired treasure. It is expected that more finds will go to local museums in future, once the NMGW has a more representative collection. However, local museums only serve particular areas and some findspots are not covered by museums. There are pressures for local allocation. People want finds to remain local. Since Devolution Members of the Welsh Assembly are keen to look after their communities and therefore may want to keep things within the locality. But the availability of resources to fund acquisitions may be a problem for local museums. Pilot arrangements have been introduced for partnership between the National Museum and local museums, involving “sharing treasures”, through loans from the national to the locals. It is intended to develop this to support the social inclusion agenda.

5.25 There is no mechanism for resolving any contest or dispute over allocation. Whilst have not been any disputes, consideration is being given to setting up a panel, possibly similar to the TTAP, to resolve any that may arise.

Valuation/Reward

5.26 Finds go through the valuation process in London with the Treasure Valuation Committee. The objects are sent to the BM. NMGW staff are able to comment on the Valuation Committee’s consideration at various stages, although Curators rarely attend valuation meetings. The transfer of responsibility for valuation to the Committee from the Museum staff is seen as a positive improvement in the process. Rewards for finds acquired by the National Museum are funded from the NMGW purchasing grant, but it has also sometimes been necessary to seek external funding. Finders are acknowledged in displays, if they wish. This is considered positive public relations – a way of “recognising responsible behaviour”.

Portable Antiquities

5.27 As in England, this scheme is seen as a success. It has created good and proactive relationships with metal detector clubs and proved beneficial to the identification and reporting of treasure.

NORTHERN IRELAND

5.28 I am grateful for the assistance of staff in the Environment and Heritage Service of the Department of the Environment for Northern Ireland, who kindly provided information and advice.
General

5.29 The Treasure Act 1996 applies to Northern Ireland, but its operation is influenced by Northern Irish legislation and there is a separate Code of Practice to take account of local circumstances. The Department of the Environment for Northern Ireland plays a part in the process. The national museum for purposes of reporting and acquisition is the Ulster Museum in Belfast.

Finding/Reporting

5.30 In addition to the reporting requirement in the 1996 Act, the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, requires that all potential archaeological objects (of which treasure items are a subset) must be reported and, if required, surrendered to a ‘relevant authority’ (the police, the Department of the Environment or the Ulster Museum).

5.31 The Department of the Environment operates as the Treasure Registrar for Northern Ireland. The number of objects falling to be dealt with as treasure in Northern Ireland is small.38

5.32 Metal-detecting and archaeological activity in Northern Ireland are subject to restriction and control. The 1995 Order prohibits any archaeological excavation (and any search for archaeological objects) without a licence from the Department of the Environment and both the unlicensed use and possession of metal detectors on protected monuments are prohibited. However, there are apparently persisting problems with the activities of some metal detectorists. A licence for archaeological excavation requires the investigator to declare excavated finds in a similar way to chance finds, usually after full post-excavation recording. Two of the most significant treasure finds in recent years have come from Environment and Heritage Service excavations.

Claiming

5.33 Delays apparently occur from time to time at the coroner’s inquest stage of the procedure, although such inquests are usually straightforward. It has been suggested that changing the system to authorise a single specialist coroner to hold treasure inquests for the whole of Northern Ireland might make the process speedier and more efficient.

Allocation

5.34 As noted, the Ulster Museum is the relevant national museum to which treasure is offered in terms of the Code. The museum takes all such finds, but may enter into long-term loan agreements with registered local museums.

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38 Approximately only about 2 a year on average.
Valuation/Reward

5.35 Treasure finds from Northern Ireland are valued by the Treasure Valuation Committee in London. The Ulster Museum may require to seek financial support from outside funds or the Department, in order to pay rewards.

Portable Antiquities

5.36 The Portable Antiquities Reporting Scheme has not been extended to Northern Ireland as the law there already requires mandatory reporting of all finds. The 1995 Order allows the Ulster Museum to keep objects for three months to examine and record them and to carry out tests or treatment. Objects may be acquired by the museum by purchase or donation or otherwise must be returned to the finder or owner.

REPUBLIC OF IRELAND

5.37 I was fortunate to have the opportunity of a meeting with the Keeper of Irish Antiquities at the National Museum of Ireland in Dublin. His assistance is much appreciated.

General

5.38 Under the Irish National Monuments legislation (particularly the National Monuments (Amendment) Act 1994), there is a comprehensive State entitlement to archaeological objects in the Republic of Ireland. The legislation contains a wide definition of “archaeological object”.

Finding and Reporting

5.39 I was informed that serious problems with treasure-hunting in the 1980s led to firm action by criminal prosecution and civil action and then the imposition of a tighter statutory regime in the 1994 Act. This included the statutory reporting requirement being strengthened. Unlicensed possession and purchase of archaeological objects were made offences and metal detecting was generally made illegal. Metal detecting activities now seem to be very limited and do not account for any significant number of finds. Almost all finds now appear to come from licensed excavations – with 2,000 such excavations being licensed last year. Overall the current picture is of tightly controlled arrangements within a framework of licensing and consents. As regards reporting, the time for reporting has been shortened and reports must be submitted to the NMI or “designated” (local/regional) museums, of which there are currently 10 or 11, with another 7 in the process of becoming designated.

39 Section 14 of the 1994 Act
Claiming and Allocation

5.40 It is the NMI that identifies finds, as the source of expertise in Ireland. Artefacts are physically delivered for examination. There is a power to waive or disclaim the State’s right to ownership, but this seems to be used rarely, if at all. The policy seems to be to acquire all excavated material. Finds may be, and some are in practice allocated to the designated local museums, although most seem to be retained by the NMI. There is reportedly little tension between the designated museums and the NMI. This is explained in large part by the history of the setting up of designated museum arrangements. This was strongly promoted by the NMI, which has had an active and leading role in the development of designated museums, including the actual process. Another factor is said to be the policy of the NMI in relation to local access to archaeological objects through loans to designated museums. There is an active loans policy. Such loans often require that stringent security standards are met by the local museums and it was suggested that realisation of the cost of such arrangements on a permanent basis has affected the attitude of museums to seeking permanent allocation of valuable objects. Also, local museums cannot afford to pay large rewards for big finds. A further factor which helps to ensure good relations is the existence of a Liaison Group of the Curators of the National and local museums. There has, apparently, never been a dispute about allocation. If there were to be it would ultimately be decided by the Minister, if it could not be settled amicably.

Valuation and Reward

5.41 Rewards are only paid for chance finds, not excavation finds. Substantial sums may be paid and there is apparently a general policy of avoiding disputes with finders – in order to encourage reporting. The State pays – from the relevant part of the NMI budget and the Heritage Fund. (Payment is made by the Director of the NMI, with Ministerial consent). Full market value is paid up to a certain level and above that there is a sliding scale, which moderates the amount. Dissatisfied finders may have recourse to the courts to challenge the amount of the reward through judicial review.

SUMMARY OF POINTS OF RELEVANCE FROM THE OTHER JURISDICTIONS

5.42 In all our neighbouring countries of the UK and Ireland there have been significant changes in the past 10 years in the arrangements relating to Treasure Trove and portable antiquities. Important new legislation has been introduced to govern these arrangements.

5.43 The right of the Crown/State to ownership of found portable objects of archaeological or antiquarian value has been affirmed and clarified in all our neighbouring countries in these islands, and procedures and processes to support that right have been strengthened by law.

5.44 The range and definition of such objects that belong to the Crown/State varies from the comprehensive (in Ireland) to the comparatively narrow (in England, Wales and Northern Ireland).
5.45 Even where the scope of the ownership of the Crown is narrow, arrangements have been made (by law or administrative system) to ensure improved recording of information about a wide range of found objects. This may also improve opportunities for retention of such objects in publicly accessible collections.

5.46 Statutory find reporting requirements have been imposed in all the countries, with offence sanctions.

5.47 There is a striking contrast between the approach of the systems in Great Britain and those in the island of Ireland to the activities of an actually or potentially significant group of finders – namely, metal detectorists. The recent changes in England and Wales have sought to encourage responsible behaviour by this group and have achieved improved relations with them and between them and other important players, such as museums and archaeologists, to the benefit of the system.

5.48 The need to try to ensure that it is as easy as possible for finders to fulfil their legal obligation to report finds has been recognised and attempts made to provide appropriate arrangements. These arrangements involve a formal role for some local museums, and increasingly in England and in Wales new local or regional officials (Finds Liaison Officers and a Finds Coordinator).

5.49 In the other UK jurisdictions an independent Crown officer (the coroner) has the responsibility for determining whether finds are treasure.

5.50 The role of an independent body in the valuation process in the other UK countries is regarded as an important and beneficial aspect of the system.

5.51 Payment of financial rewards to finders is common to all systems, the amount being generally market value – although there is provision in Ireland for moderating particularly high values. Other forms of recognition are in use, including reference in museum displays and in the annual report.

5.52 In all the other jurisdictions the national museum plays a leading role in the system and has a priority right to acquire finds.

5.53 Local interest in treasure finds is recognised – by promoting local acquisition (in England) or by loans for local display.

5.54 There is fragmentation of the administration of the system in varying degrees in the other countries, but no obvious criticism of the involvement of different people or bodies at different stages. Central registration of finds is a common and valuable feature. The appointment of Finds Liaison Officers, operating at a local level but part of a national scheme, is widely regarded as a valuable development that is beneficial to the operation of the treasure system in England and Wales.
CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

Policy and Strategy

6.1 As has been noted, there appears to have been no recent statement of the Scottish Executive’s policy concerning portable antiquities and Treasure Trove/bona vacantia (TT). In recent years perhaps the only potential opportunity for making such a statement was at the time of the publication of the information booklets in 1999. Any publicity about the issue of these booklets seems to have been limited and certainly did not include any Ministerial statement.

6.2 I believe the system in Scotland would benefit from a clear and authoritative statement of policy, affirming the Scottish Executive’s commitment to the preservation and protection of Scotland’s portable heritage and public access to it. I so recommend. The publication of this report, or legislation following it, may provide a convenient opportunity for a suitable Ministerial statement.

6.3 Although a matter of law, ultimately the Crown’s entitlement in Scotland to assert ownership of and claim (for public benefit) found archaeological and historical objects for retention and public access would be subject to any review of policy. However, there is wide support for retaining the existing position and I have found no good reason to recommend change.

6.4 The enactment of the Treasure Act 1996 provided statutory confirmation or clarification concerning the vesting of found treasure in the Crown in the other UK jurisdictions. It appears from the present exercise that there is a lack of awareness or understanding of the legal position in Scotland concerning the vesting at common law of treasure and other ownerless property in the Crown. It may be for consideration whether the present common law should be given statutory expression. There may, however, be other effective means of ensuring that the legal position, which does not generally seem unsatisfactory in its common law form, is better known and understood.

6.5 It is important, in my view, that the policy for TT and the related arrangements should be co-ordinated with and consistent with policy in other related areas. In particular the current development of a new museums strategy for Scotland is highly relevant. I have noted above the Scottish Executive’s intention to publish an Action Plan in the spring of 2003 following consultation on the National Audit of Museums and Galleries. That plan has not yet appeared and that creates certain difficulties for me in addressing some aspects of the TT arrangements, as noted below. In any case, I recommend that action is taken to ensure that the development of the arrangements

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41 See paragraph 2.8 above.
42 By contrast note, for example, the statement in December 1996 by the then National Heritage Minister in England, at the time of the new legislation there - “The Government believes that the treasure trove system performs a vital service in safeguarding for the nation some of the most significant finds from the soil of England and Wales.” DNH 398/96.
43 At paragraph 1.6
for TT is fully co-ordinated with, and those arrangements are consistent with, the new museums strategy that emerges.

**Overall**

6.6 This review had its origin in part in the commitment to review material contained in one of the above-mentioned information booklets that were published in 1999. In common with a number of contributors to the Review I have been impressed by the authoritative and comprehensive guidance material published in England and Wales and Northern Ireland in the form of a Code of Practice. I accept and endorse the view that the operation of the TT system in Scotland would benefit from the preparation and publication of a similar document. I therefore **recommend** that a Code of Practice should be produced covering all aspects of the system in Scotland.

6.7 The Code would cover the parts of the process described below. It would be for consideration whether it should be statutory. Whether statutory or not, it should require to be reviewed periodically. Recent experience suggests that making it statutory would ensure a better prospect of timely review. If legislation were thought appropriate for the TT process, or aspects of it, that might create an opportunity for a statutory Code. In fact, as will be seen below, I do consider that there is a need for at least some limited statutory provision.

**Finding and Reporting**

6.8 This Review has disclosed evidence, from various quarters, of what appears to be significant non-reporting of finds that in law belong to the Crown and are eligible for claiming and disposal under the law relating to TT/bona vacantia. There are also serious delays in reporting of finds, in some cases after their removal from the Scottish jurisdiction.

6.9 The number of metal detector users active in Scotland is not known, but the research has suggested it may be quite large – a rough estimate of as many as a thousand having been suggested by one informed contributor. Many, and probably most, seem to operate individually as there seem to be only a limited number of clubs in Scotland. Membership numbers of the main representative organisations are not clear. The Codes of Conduct of those organisations relate essentially to the system in England and Wales, with no specific recognition of the Scottish system.

6.10 The project research also clearly suggests inadequate oversight of TT compliance in non-HS archaeological excavations.

6.11 The present reporting obligations under common law are capable of being characterised as vague and unclear and there is also lack of clarity as to the relevance of the provisions of the Civic Government (Scotland) Act. This has created a situation where, despite the publication of guidance, there seems to be both genuine and claimed uncertainty among finders. There is, I believe, some evidence of deliberate rejection of the law and disregard for it.

6.12 This leads me to the conclusion that there is a pressing need for the creation of a clear statutory reporting requirement to apply to all finders, whether chance finders,
metal detectorists or archaeologists in the course of any fieldwork/excavation. I so recommend. There should be a time requirement for reporting and offence provisions covering both failure to report and possession of unreported finds. Removal of finds from the Scottish jurisdiction without reporting should be prohibited by law, with penal sanction.

6.13 There is also a need for greater clarity about how to report as well as whether and when to report. If the legal reporting requirement is to be clarified and strengthened the system must offer arrangements that make it easy to report. Improved reporting will not simply be achieved by legislating. Better reporting arrangements and better relations between those involved will also be necessary. More formal arrangements should be made with appropriate local museums, but the preferred option would be to make use of a system of Liaison Officers or Coordinators to be appointed to operate around the country in co-operation with local museums. There should be a central TT Registrar post. I shall say more on this below.

Claiming and Disclaiming

6.14 Issues about the criteria and procedures for claiming (or disclaiming) finds as TT have arisen in this exercise. It may be useful in this context to keep in mind that references to claiming in effect mean asserting the Crown’s legal right of ownership of the object in question in order that such object may be disposed of, for the public benefit, through the TT system.

6.15 Dealing first with criteria - the 1999 Information booklet on Guidelines for Fieldworkers says the Crown in deciding what to claim “takes into account the archaeological, historical and cultural significance of an object”\textsuperscript{45}, but there is no further explanation of “significance”. Definitions of significance were produced and applied in the National Audit of Museums and Galleries, with categories of international, UK-wide, or national significance and regional and local importance.\textsuperscript{46} Although these categories or definitions perhaps related primarily to collections, there is some reference to items. The test for international, UK-wide or national significance was “quality, rarity or uniqueness.” In the consultation in the present review there was a suggestion that the quality of archaeological or historical information provided by the object is relevant and that “significant” might be defined as - “having the potential to increase understanding of Scotland’s past”.

6.16 In practical terms the real test may actually be whether the item is sufficiently significant to persuade any museum to request allocation – and be willing to pay the reward. In that sense the system is similar to that in England and Wales, although the legal definition of finds that may be claimed there (namely treasure as such) may mean that there is less of an issue of significance, importance or quality.

\textsuperscript{44} A comprehensive statutory reporting requirement would also appear to ensure compliance with the mandatory reporting provision (Article 2.iii) of the European Convention on the Protection of Archaeological Heritage (Valletta Convention), which the UK Government ratified in 2002.

\textsuperscript{45} 1999b, page 8.

\textsuperscript{46} Appendix 2
6.17 In discussion with the Advisory Group there was support for a suggestion about setting up a consultation exercise, to try to establish from appropriate experts in the relevant periods whether it is possible to devise more specific criteria and a consistent approach to claiming across the range of periods and objects. I believe that merits further consideration.

6.18 I have no doubt that the criteria for claiming should be defined and articulated as clearly as possible, as well as being well publicised. The proposed Code would be the place and the means for this. There may be value in restating what objects are not eligible to be claimed and, perhaps, those not normally regarded as appropriate for claiming.47

6.19 I **recommend** that the criteria should relate to the “significance” of a find. Pending further possible consideration in consultation with experts, the formulation in the 1999 booklet, mentioned above, should meantime be retained, informed as appropriate by the National Audit definitions (which are in fact similar in certain respects to the current TT allocation criteria).

6.20 The claiming procedure should also be more clearly stated, and I so **recommend**. I have considered what the procedure should be, keeping in mind that as a matter of law the starting point is the Crown’s right of ownership of all found treasure and *bona vacantia* and that in Scotland it is the Q&LTR who acts as the Crown’s representative in asserting that right.

6.21 Clearly there must be consistent application of the claiming criteria and this means that central operation or oversight is probably necessary. However, there may be advantage in making provision if possible for screening or “sifting out” at the local level. This would require clear and comprehensive guidance, as well as criteria, and there could still be questions about delegation and accountability and about potential local self-interest. The best prospect of satisfactorily operating some such arrangement would seem to me to be if the sifting could be done in consultation with a local representative of the system, such as the proposed Liaison Officer/Coordinator. Such posts could also be of value in relation to the central recording of information about objects that are not claimed. Whether or not such posts are created, there may still be a case for the preparation and issue of guidance, and the provision of related training, to enable local museum curators or archaeologists to sift out unimportant material that clearly does not merit claiming and processing as TT.

6.22 A question arose about the role of the Treasure Trove Advisory Panel in the claiming process. The specification of the Panel’s function when it was established in 1969 referred to advice about disposal and payment of rewards but did not mention advice about claiming. However, some subsequent descriptions of its role have mentioned advice on claiming. Under current practice the Panel is normally not directly involved in the initial process, but it may review a claim when considering allocation and reward and it is open to it to recommend disclaiming to the Q&LTR, instead of recommending allocation. It is the Panel’s Secretariat that decides, on the basis of their own knowledge and experience and consultation with appropriate NMS

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47 See 1999b pages 2 and 8.
curators or other museums, whether to recommend to the Q&LTR that a find should be claimed.

6.23 From this Review there seems to be little evidence of inappropriate claiming under the existing arrangements, and my own experience would tend to confirm that. Nor have there been suggestions that found objects have been wrongly disclaimed. It seems doubtful therefore whether there is a strong case for routine direct involvement of the Panel at the initial stage, so far as the proper identification of objects for disposal through the TT system is concerned. What might be the best argument for such involvement is that, as the Q&LTR’s official advisory body, the Panel should give advice on all the issues for the Q&LTR, including the decision whether to assert the Crown’s right of ownership. I can see there may be some force in that. However, to offer a recommendation on this question, the Panel would probably require to rely largely on the advice of the Secretariat (and experts on whom the Secretariat depends). Involvement of the Panel would add to its workload and to delay in the process. Possible options to meet those difficulties might be to use remote consultation, by e-mail and digital photographs, or to consult only the Chairperson and not the full Panel – as I believe was once the practice when the Chairman was the Keeper of the Museum of Antiquities, who had considerable relevant expertise. The involvement of the proposed Finds Liaison Officers or Coordinators in the claiming process is likely to assist the process.

6.24 On balance, my view is that the TTAP should not routinely be involved in the initial consideration of whether reported finds should be claimed by the Crown, but I accept that the alternative arrangement may have some attraction, so far as consistency of approach to the Panel’s role is concerned. While I do not favour any significant change in the present arrangements concerning the involvement of the Panel, I recommend that the Panel should be consulted exceptionally in difficult or unusual cases and I believe there would be merit in considering producing appropriate internal guidance.

6.25 As regards the Q&LTR’s involvement, I believe that it is reasonable that claims should generally continue to be formally made by the Q&LTR’s officials, acting on behalf of the Q&LTR, and that the Q&LTR should normally only be personally consulted in exceptional and controversial cases. There may be advantage in ensuring that internal guidance in this regard is sufficiently clear and comprehensive.

6.26 Claims would continue to be conditional in the sense of being subject to museum allocation and reward. I am not in favour of adopting the English system of pre-claim enquiries to determine whether there is a prospective recipient museum before a find is declared treasure. The Scottish process does not involve the same procedural formalities (coroner) as the system in England.

6.27 As for disclaiming, there is in my view no good argument for introducing more bureaucratic process into the disclaiming procedure than at present. Clearer criteria will help. Expertise in judging the significance (and therefore “claimworthiness”) of finds will continue to rest largely with the Secretariat, not the Q&LTR. I consider and recommend that the existing delegation should be maintained. The Secretariat should continue to be free to consult the Q&LTR’s advisers (the Panel and the Q&LTR’s solicitor) about disclaiming (as about claiming) as appropriate. There
should be appropriate consultation with or information to local museum(s) before or after a find is disclaimed. Finders should be kept fully informed throughout the process and that should if possible include information about the object. There should also be appropriate acknowledgment of their reporting of the object.

**Allocation**

6.28 The core remit for this Review, deriving from the commitment in the 1999 information booklet, is to review the criteria for allocation and the allocation process.

6.29 There has been substantial research, consultation and comment on these matters and valuable discussion with the Advisory Group. That has led to a conclusion that there is a need for clearer recognition than at present that the normal TT case involves only a single application for allocation, with contested allocation being exceptional. Accordingly I **recommend** that there should be standard, basic allocation criteria and a fast-track procedure for normal cases, with more detailed criteria and more complex procedure only necessary for the smaller number of contested cases.

**Criteria**

6.30 In uncontested cases the criteria for allocation would be eligibility (through SMC registration) and commitment to fund payment of the relevant reward.

6.31 It is of course in relation to contested allocation that the real problems concerning criteria arise. Before turning to examine these, it is important, I believe, to emphasise that methods of resolving contests before consideration and decision by the TTAP should be explored and encouraged. I **recommend** that wherever possible consideration should be give to the use of joint ownership or loan arrangements to secure resolution of otherwise contested allocation.

6.32 There are certain existing criteria relating to what might be seen as special circumstances that I consider it appropriate to retain. Where the need for any special conservation arrangements arises the ability of the applicant museum to meet such requirements will be a key criterion. Generally, the preservation of the integrity of assemblages appears to be a reasonable operating principle. Another relevant, but perhaps less conclusive consideration is facilitation of research.

6.33 I have referred earlier in this chapter to the need for TT arrangements to be coordinated with and consistent with wider relevant policy or strategy – particularly regarding Scotland’s museums. That applies to the important question of allocation of finds.

6.34 The criteria set out in the relevant information booklet in 1999\(^\text{48}\) recognised the development and the interest of local museums around Scotland, but sought also to recognise the key role of the National Museums of Scotland as “the principal repository of the national collections of historical and archaeological material and …the principal locus for research into Scotland’s material cultural heritage.”\(^\text{49}\) The criteria therefore included a qualified presumption “that material should be allocated

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\(^{48}\) 1999a

\(^{49}\) 1999a, page 4
locally”, but also provision that the key role of the NMS would be taken into account in relation to the allocation of “nationally important material”.\textsuperscript{50}

6.35 The matter of the role of the NMS and the local museums is a key issue for the museums strategy in Scotland that is currently under consideration. My view, which is shared by my Advisory Group, is that the approach to the allocation of objects, as between the national museum and local museums or between separate local museums, should be consistent with the policy and strategic approach to the organisation and functions of museums in Scotland. As the relevant review and the preparation of an Action Plan remains to be completed I do not think it is possible for me to offer a final concluded view on what should be the criteria that should be applied by the TTAP and the Q&LTR to determine the allocation of TT finds in cases where more than one museum applies for allocation. However, it is appropriate to explore some relevant issues and options.

6.36 As has just been noted, the current criteria include a qualified presumption for local allocation which sits alongside recognition of the role of the NMS, with the principle operative criterion for allocation to the latter being national importance. The definition of “national importance” bears some similarity to the National Audit definition of national significance, to which reference has already been made. Again, it seems to me to be worth considering whether the National Audit definitions of international, UK-wide, national, regional and local “significance” might assist with the setting of allocation criteria.

6.37 The big issue, though, is – assuming the ability to identify objects as being of national significance or importance, where should such objects be allocated? One, partial answer to that question is no doubt about collecting policy and consistency of allocation with such policy. But what if museums at different levels have relevant collecting policies? Should the national museum have priority for objects of national importance?

6.38 The comparative study for this Review has shown that the stated policy in the other jurisdictions in the UK and Ireland is to give primacy to the relevant national museum. The policy is implemented in practice in Wales, Northern Ireland and also in the Republic of Ireland, where interestingly it applies to a wide range of objects and not just treasure, narrowly defined. Although the actual practice in England may not fully accord with the relevant provision of the Treasure Act Code of Practice, the statement remains in the very recently revised edition of the Code and it does appear that the right of first refusal is used at times, for example when a new category of artefact comes to light.

6.39 The legitimate interest of local museums to display locally the material cultural heritage of their collecting area to local people and visitors is recognised in our neighbouring countries. In England, local acquisition is encouraged. The social inclusion agenda is recognised in Wales by the policy of sharing treasures through loans to local museums. That is also the policy in Ireland and in Northern Ireland.

\textsuperscript{50} 1999a, page 7.
6.40 Since Scotland has a “national” museum it might be asked why the NMS should not be afforded an equivalent position to the other national museums in these islands in having first refusal of nationally-significant material – particularly when such material fits with its collecting policies and is not of a type that is already adequately represented in the national collection.

6.41 It seems from this review that there is a persisting perception that the NMS does have such a favoured position at present. In fact, as has been seen,\(^{51}\) in recent practice the NMS has not always received objects, including quality objects, when it has sought them.

6.42 Attention has also been drawn to the finding of the National Audit that collections of national significance are not confined to the national organisations.\(^ {52}\) Some references have been made in the consultation in the present Review to the concept of a “distributed national collection”. In that context an important relevant development that has occurred during the period of this Review was the publication in January 2003 of the Scottish Executive’s Cities Review *Building Better Cities: Delivering Growth and Opportunities* report. The report contained a commitment to publish the Framework for future policy towards Scotland’s museums in March 2003, and said – “The Executive is developing a framework of action for Scotland’s museums and galleries which will be based on the principle of a distributed national collection.”\(^ {53}\)

6.43 Just what this means is not entirely clear to me, but what I think is clear is that account will need to be taken of this principle in the approach to allocation of TT finds that are of national significance. I assume that the principle does not imply the denial of any entitlement on the part of the NMS to acquire objects of national significance, but there appear to be potential difficulties in defining how decisions on such allocation are to be reached in circumstances where a local museum also seeks allocation. Perhaps a “shared” approach may be thought appropriate, for example involving joint ownership arrangements, or loan arrangements and a greater outreach and supporting role for the NMS. It may be that the TTAP (and Q&LTR) would require to be satisfied about such matters before recommending that allocation should be made to the NMS.

6.44 Related to this is what I believe to be a pressing need to establish or clarify the respective roles of more locally-based museums – area or regional and truly local. Without such clarification the task of the TTAP in advising the Q&LTR on allocation in contested cases will continue to be very difficult. This is not a matter for the Panel or the Q&LTR (or indeed this Review) and should be sorted out by the policy department and the museum sector. To the extent that the TTAP has to continue to make recommendations about competing applications from regional and local museums, without the benefit of such clarification, it should be assisted by the museums themselves at least agreeing appropriate loan arrangements, even though joint ownership or other amicable resolution cannot be agreed.

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\(^{51}\) Paragraph 2.33

\(^{52}\) See paragraph 1.6

\(^{53}\) Page 6
6.45 The problem of allocation would be solved, at least so far as the Panel and Q&LTR are concerned, if the museums in Scotland were to be incorporated (with the NMS) into a national museum service, but that does not seem a likely outcome of the present strategy review.

**Procedure**

6.46 As I have mentioned above, I think that, so far as practicable, normal allocations should be made as quickly as possible by fast-track procedure. This would help to address one of the criticisms of the operation of the system that came out of the research – namely delay. Consideration should be given to using electronic communication to enable the TTAP to consider finds and recommend rewards remotely at “virtual” meetings. That should expedite the process, instead of cases having to await consideration at formal Panel meetings. There may be practical obstacles, including the need in at least some cases to examine objects physically rather than by digital image – not least in connection with valuation for reward. I also consider that the Panel should meet more frequently to help to speed up the process.

6.47 Contested allocations would continue always to be discussed at meetings. There may be merit in using a standard questionnaire form for submissions in support of contested bids. I believe consideration might be given to offering representatives of museums in contested cases an opportunity to appear personally to make representations in support of their museum’s application. In that regard NMS representatives might appear to have a favourable position in practical terms in that the Panel normally meets in NMS premises in Edinburgh. However, this might be addressed by the Panel convening in another place, more suitable for the local or regional museum, or by the expenses of attendance being met by the Crown.

**Review/appeal**

6.48 In considering whether there should be changes in the appeal or review process in contested cases I think it is relevant to note that the allocation of TT finds involves the non-statutory exercise of discretion by a senior office-holder of the Crown, on the basis of advice from an independent panel of experts. The Q&LTR is not qualified to challenge the “professional” judgement of the Panel, and is only able to assess whether it has acted in accordance with the set procedures and decided on its recommendation on the basis of fair and full consideration of the criteria and the representations received. The Q&LTR cannot be expected to carry out a qualitative review of the professional or expert view of the Panel. As noted above\(^54\), there has been little use of the provision for an unsuccessful applicant museum to ask the Q&LTR to review a Panel recommendation to assess whether there has been proper compliance with the process rules.

6.49 I am not persuaded that it is necessary or desirable to set up some other form of qualitative review process that would involve another individual or panel reviewing the decision of the TTAP. What, I believe, is important is that the Panel makes its decision about recommendation on the basis of consideration of all relevant information and argument. So the process should ensure that the applicants are able to present their case fully to the Panel. For this reason, even though it prolongs the procedure, the current practice in contested cases of requiring or making exchange of

\(^{54}\) See paragraph 2.37
applications, of advising competing museums of the Panel’s inclination as to recommended allocation and of allowing supplementary submissions seem to me to be worthy of retention. I have also suggested introducing a procedure for personal presentation of submissions. I have not discerned any call or case for changing the present finality of the Q&LTR’S decision. Overall, therefore, I recommend retention of the current review and appeal arrangements.

**Allocation of Finds from Archaeological Fieldwork/Excavation**

6.50 In the course of this Review a question has arisen about the allocation of finds from archaeological excavations, particularly assemblages. Some dissatisfaction was expressed about the separate systems, under present arrangements, for dealing with finds from HS-sponsored excavations and those from non-HS sponsored excavations. As has been seen, both sets do go through the TT system, at least nominally, but in practice the TTAP has in recent times only dealt with non-HS material. A number of consultees suggested that the Finds Disposal Panel should deal with all excavation site finds. Some suggested merging the FDP and the TTAP. I believe there may be benefit, for example in terms of consistency of approach, for all these finds to be dealt with by a single panel. I incline to the view that any new arrangements should preserve the TT dimension. I shall deal with this more fully below under the Organisational heading. Meantime I accept that this is an area that requires further consideration.

**Follow – up/Audit**

6.51 There have been comments from some of those consulted about what actually happens to objects allocated to museums under the TT system and, indeed, suggestions about some arrangements for follow-up to ensure satisfactory conservation, retention and public access. I see some merit in such arrangements and recommend that consideration be given to the introduction of follow-up or audit arrangements, specifically relating to TT finds. (The proposed liaison officers may be able to assist with this.) Although transfer of ownership means that objects could not be recovered if such auditing uncovered unsatisfactory circumstances, nonetheless the findings would inform the attitude of the Panel and the Q&LTR to future allocation.

**Valuation and Reward**

6.52 Valuation and reward are, of course, very closely linked and I therefore deal with them together, although recognising that the question of value is a factor that is also relevant to the allocation process in terms of the ability of museums to afford acquisition. The valuation process, which I have described above, has been the subject of some criticism in the Review research. It is interesting that issues of accuracy of valuation arose in the consultation from both main interest groups – finders and museums, the former suggesting valuations (and hence rewards) were too low; the latter suggesting they were too high. That might lead to an objective conclusion that the existing system has been getting it about right!

6.53 Advice to the Q&LTR about the amount of *ex gratia* rewards is one of the core functions of the TTAP at present and I consider that recommendations about rewards should continue to be the responsibility of that Panel. I have considered whether

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55 Paragraphs 2.20 and 2.29
56 See paragraph 2.39
there is a case for another, separate independent valuation committee for Scotland, but I am not persuaded this is necessary. There is already an independent panel with the responsibility for providing advice on rewards based on valuation of the find – namely the TTAP. What is important, it seems to me, is that the Scottish Panel should have or be in a position to obtain independent, authoritative advice on values. I believe the TTAP Secretariat has provided a useful service in carrying out research on values and offering advice to the Panel about valuation. I do, nevertheless, have some doubts about whether it should continue to be the main source of advice on valuation. However experienced it may be and however comprehensive its researches it may lack the necessary appearance of expertise and independence. On balance I am inclined to think that the Panel should make use or greater use, through the Secretariat, of approved outside experts. I recognise that there could be cost implications of such an approach, but so long as rewards are based on market values it is essential for the credibility and the effective operation of the system that there should be confidence in the valuation and reward assessment process. I am not sure that there is full confidence at present. I therefore recommend that consideration should be given to establishing a list of approved experts who should be consulted on values. This would involve the Secretariat commissioning a provisional valuation from the appropriate expert adviser on the list. It may also be worth exploring whether there may be potential for developing greater contact with the Treasure Valuation Committee Secretariat in London to obtain relevant information – while recognising the narrower range of objects that it deals with.

6.54 In the course of the Review suggestions were made that the system should move away from market value based rewards and offer, say, scale amounts. I understand such arrangements may obtain in some other jurisdictions and I have noted the position in Ireland regarding particularly valuable items. An argument that may be adduced to support such an approach is that, after all, ownership of all finds rests with the Crown. However, having considered this option and taken account of the results of the finders’ survey, I do not think it would now be reasonable or prudent (in terms of encouraging reporting) to make such a change and I therefore recommend that rewards should continue to be based on market value.

6.55 There was support for retaining arrangements for the abatement of rewards and I consider that abatement or non-payment undoubtedly remain appropriate in certain special circumstances that should be clearly defined. The current statement of such circumstances in the Guidelines for Fieldworkers is largely satisfactory, but may need to be extended slightly – for example, to cover situations where there is irregularity or even deception about declaration of the place and circumstances of the find. I should also say at this point that I endorse the rule set out in the Guidelines that those who undertake organised archaeological fieldwork projects, whether on a paid and voluntary basis, are not eligible for any reward, and this includes metal detectorists who organise or participate in a fieldwork project.

57 See paragraph 5.41
58 1999b at page 5
6.56 As has been seen, some finders decline a reward. Finders should continue to be made aware of that option and to be reminded that rewards have to be paid by the museum to which the find is allocated.

6.57 It is clear from the consultation with museums that the funding of rewards is an issue, and that there is a problem of availability of resources for acquisition. This requires further attention, having regard especially to the recommendation about funding made by the All-Party Parliamentary Archaeology Group in its recent report.\(^{60}\)

6.58 I consider that the process of valuation should be more transparent. Finders who are eligible to receive a reward should have greater opportunity than at present to be informed of the indicative valuation and to challenge it - both before consideration by the Panel and after the Panel makes its recommendation to the Q&LTR. Under the new approach that I offer for consideration, finders should be advised by the Secretariat of the provisional valuation by the relevant expert in time to allow them to make representations to the Panel. Any challenge should, however, only be considered if it is in the form of written valuation information supported by evidence about the nature of the find and its possible value – for example, a separate valuation by another expert. **I recommend** that the procedure should be modified as outlined above.

6.59 The system should provide other forms of reward or recognition than just financial reward. In particular there was wide support for the proposal by the present Chair of the TTAP (made at the Society of Antiquaries Seminar) that all individual finders should receive a certificate from the Q&LTR, acknowledging the claimed find and stating where it has been allocated. I endorse that and so **recommend**. The TT website and the proposed TT Annual Report (see below) should name finders (unless they request otherwise). Recipient museums should make clear in any display of any object that has been acquired through TT that it has been so acquired and should consider including further detail, such as the identity of the finder (with consent).

**Organisational Arrangements**

6.60 I believe that this exercise has confirmed the continuing need for an independent advisory body such as the TTAP. The TTAP performs a valuable role, but it may be useful to restate clearly what precisely its responsibilities are. For purposes of the operation of the TT system its role is primarily to advise the Q&LTR about the allocation of finds and the payment of rewards. It may also offer advice about the claiming of finds. There may be a need for clarification of its role in that regard, as has been discussed above.\(^{61}\)

6.61 There is overlap or duplication of both the composition and, in a sense, the nature of the role of the TTAP and the FDP. I am inclined to support the view that

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\(^{59}\) Paragraph 2.40

\(^{60}\) In para.109 of its First Report the APPAG recommends – “Resources should be provided from the Heritage Lottery Fund and the V&A/Resource Purchase Grant Fund for treasure finds.....A similarly funded system is needed to provide rewards for Treasure Trove finds in Scotland...” page 26.

\(^{61}\) Paragraphs 6.22 and 6.23
there may be advantage in merging these advisory bodies to create a single body that deals with all finds of archaeological objects from excavations and provides advice to those responsible for making the necessary decisions about disposal. I believe a single, merged panel would sit more comfortably with the TT rules and system than the transfer of responsibility for finds from all archaeological excavations to the FDP. I recommend that consideration should be given to merging the FDP with the TTAP.

6.62 The composition and size of the TTAP are matters that have been frequently raised in the course of this review. There have also been suggestions about increasing the frequency of meetings. A combined Panel would, I think, require a larger number of members to enable it to sit more frequently in order to deal with a wider range of material as well as generally to deal more speedily with allocation of finds (but subject to what I have suggested above about “virtual meetings”). More frequent meetings might also enable the Panel to try, if possible, to deal at an early stage with archaeological fieldwork and make preliminary allocations that would permit early involvement of museums in excavations. The Panel should be able to meet with a quorum of members, without the need for all members to attend all meetings. The relevant arrangements for the attendance of members could reflect the meeting agenda. I recommend that the Panel should sit more frequently than at present – say six times a year.

6.63 My recommendation is that the Panel should be chaired by an independent chair and should have at least one independent “lay” member, but otherwise I believe there is a good argument for its members being representatives of the main relevant constituencies – SMC, NMS, finders (perhaps NCMD), archaeologists (perhaps ARIA). I do not believe it should continue to consist solely or principally of members of the museum community, however well such members have undoubtedly served the system until now. But it may be for consideration whether it should include one or two such members (in addition to SMC) to ensure it is of sufficient size to be quorate without all members having to attend. The need for application of Nolan selection procedures should be considered further, but it may be that they would only require to apply to members other than “constituency” representatives and to the Chair, who I consider should in future receive payment for her/his services.

6.64 There may also, I believe, be merit in the suggestion that the Panel should not be tied exclusively to Edinburgh and should convene from time to time elsewhere in the country – perhaps with the assistance of HS or some of the larger local museums.

6.65 I have considered whether there are viable options for reducing the extent of the current spread or fragmentation of organisational responsibilities and arrangements. At the departmental level, so long as the Crown Agent retains the office of Q&LTR and responsibility for the range of the duties of that office, it seems right that some support for the Q&LTR in his TT role should remain in or associated with the Crown Office. There is also a fairly strong view that the continuing involvement of the Crown Office in the administrative process is desirable from the point of view of demonstrating independence. Experience suggests that there is clear value too in the involvement of the Q&LTR’s solicitor in providing legal advice about TT matters.

6.66 To the extent that the policy concerning TT is an aspect of the Scottish Executive’s culture and heritage policy, the SEED has an interest. That is reflected in
the related responsibility for appointing and supporting the TTAP – including funding its Secretariat. SEED also has responsibility for HS. On the face of things, therefore, it may seem appropriate that the Department (through the Tourism, Culture and Sport Group) should continue to have a role in the system. However, the current funding position is somewhat odd as the Crown Office provides some financial support for the TTAP and its Secretariat, while the main funding of the Secretariat comes from the SEED. There are then also questions about the relationship between the NMS and the Secretariat, as regards staff and other resource management arrangements. In reality the work of the TTAP and the Secretariat is in support of the Q&LTR. The workload demands on the Secretariat are generated by the Q&LTR and also in practice the Panel, and not the NMS or the Department. So it is hardly surprising that there is some dissatisfaction with the current arrangements on the part of the latter bodies.  

6.67 As regards departmental responsibility, it would, I suppose, be open to the SEED to transfer this responsibility and the related funding to the Crown Office to take over fuller responsibility for the system arrangements. That is a matter that should be further discussed between the respective departments. It would, of course, need to be recognised that any such transfer might not be entirely consistent with policy responsibility, but both departments are departments of the Scottish Executive and appropriate consultation and communication should be possible. In the event of such a transfer of responsibility to the Crown Office, the SEED would no doubt continue to support the operation of the TT system indirectly through ensuring that funding of the NMS allows the provision of necessary advice and expertise in relation to TT finds. There would be a question about the appointment of the TTAP. Reflecting the policy responsibility it may be appropriate to leave this with the Minister.  

6.68 The position of the TTAP Secretariat needs to be reviewed and clarified. Notwithstanding some expressions of concern about a possible impression of partiality created by the association of the TTAP Secretariat with the NMS there has really been no significant support for the physical removal of that unit from the museum. On the contrary, even those who have expressed concerns along the foregoing lines appear to see a clear benefit in the close proximity of the unit to the expertise and other specialist resources of the NMS. Negative perceptions resulting from the association of the Secretariat with the NMS may be removed or reduced with internal reorganisation at the NMS which would give the Secretariat a clear place within the new structure as a separate, “independent” unit.  

6.69 My view is that the wider role that the Secretariat plays in the system should be recognised by re-badging it as the “TT Secretariat” and appointing one of its staff as “TT Registrar” (see above62). Staff resources must be sufficient to deal effectively and expeditiously with the workload. Suitable line management arrangements should be made for staff and resource management responsibilities should be clarified. The Secretariat would not be subject to management direction by the Panel. Possible options, as suggested by the NMS include - that NMS could deliver an agreed fixed cost service with full management responsibilities passed to the NMS; or alternatively, that the Secretariat could become Crown Office employees. In the latter case the NMS would provide accommodation and related services. Again, this would

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62 At paragraph 6.13
be a matter for further discussion between the Crown Office, NMS and (probably) the SEED.

6.70 There is substantial, indeed almost universal, support for the appointment and use of Liaison Officers around the country. I strongly endorse that proposal and have no doubt that the introduction of a new arrangement of this kind would substantially improve the operation of the system and also relations between the key stakeholders on which it depends. I therefore recommend the appointment of Liaison Officers or Co-ordinators to be located around Scotland. The detailed arrangements (for example, the number and location of such posts) will require further consideration and consultation. My view is that although these officers would be local (more likely area or regional) they should be representatives of the TT system and part of that organisational structure, rather than local museum or authority employees. This question may need to be addressed in conjunction with any proposal that might emerge for the creation of a network of regional museum officers.

6.71 Additional resources would be required. My suggested approach would mean central government, rather than local authority funding. No doubt HLF funding might be sought (as in England and Wales), but consideration will also require to be given to Government funding – not least because of the recommendation of the All-Party Parliamentary Archaeology Group in its recent report that the Government should also provide resources for schemes in Scotland and Northern Ireland analogous to the Portable Antiquities Scheme in England and Wales, but adapted to local conditions.63

6.72 I have noted above the current position concerning the funding of the Crown Office work on TT out of the ultimus haeres receipts ingathered by the Q&LTR.64 I therefore simply raise for consideration the question whether the application of those receipts for the wider funding of the operation of the TT system in Scotland might be considered a worthy and suitable use of those funds. However, there is of course uncertainty and variation from year to year as to the amount of those receipts.

6.73 I include here further mention of another matter concerning the process which I think merits attention. I have referred above to concerns about delays in the process and offered some suggestions to expedite the process. I was impressed by the inclusion in the Code of Practice for England and Wales of a section on “Speed of Handling Cases” and the setting of time targets.65 The targets include – no longer than twelve months from the find being received by the coroner to payment of the ex gratia reward. I recommend that time targets should be set for the process in Scotland and suggest that the targets in England and Wales might be taken as a model.

63 First Report paragraph 109
64 See paragraph 3.14
65 Chapter L, pages 51-52.
Publicity/Publication

6.74 The Review has disclosed quite general dissatisfaction, across the range of parties, with the quality and sufficiency of available information about the system.

6.75 I have recommended the preparation and publication of a Code of Practice, which would replace the 1999 booklets. Other forms of publication should be considered, such as information leaflets for particular interest groups.

6.76 The proposed Liaison Officers should have a role in raising the profile of the system locally – with the assistance, if possible, of local museums.

6.77 I recommend that an annual report should be produced. If there is legislation there should be a statutory requirement to publish such a report.

6.78 The planned setting up of a website is a valuable development in addressing issues concerning education, information and communication. Adequate funding for it must be assured.

6.79 I recommend that representative bodies, such as the NCMD should be encouraged to give more publicity to the Scottish TT system and to re-draft/expand their conduct codes to cover Scottish circumstances specifically. The proposed Code of Practice should assist this.

Other

6.80 In this Review I have examined and made proposals about the arrangements in Scotland for preserving and protecting the portable heritage of the Scotland. It is necessary to recognise also that there is an international, as well as a national, aspect to the protection of antiquities. Separate consideration will require to be given to that dimension in the Scottish context, following the UK Government’s accession in 2002 to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. In particular, attention will need to be given to concerns that possible Westminster legislation in this area may create a situation whereby “illegally removed objects could be imported into the UK via Scotland”.66

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SUMMARY OF RECOMMENDATIONS

GENERAL

I **recommend** a clear and authoritative statement of policy, affirming the Scottish Executive’s commitment to the preservation and protection of Scotland’s portable heritage and public access to it. (*Paragraph 6.2*)

I **recommend** that action is taken to ensure that the development of the arrangements for Treasure Trove is fully co-ordinated with, and those arrangements are consistent with, the new museums strategy and the related Action Plan that is proposed, once that issues from the Scottish Executive. (*Paragraph 6.5*)

I **recommend** that a Code of Practice should be produced covering all aspects of the Treasure Trove system in Scotland. (*Paragraph 6.6*)

FINDING AND REPORTING

I **recommend** the creation of a clear statutory reporting requirement to apply to all finders, whether chance finders, metal detectorists or archaeologists in the course of any fieldwork/excavation. There should be a time requirement for reporting and offence provisions covering both failure to report and possession of unreported finds. Removal of finds from the Scottish jurisdiction without reporting should be prohibited by law, with penal sanction. (*Paragraph 6.12*)

CLAIMING AND DISCLAIMING

I **recommend** that the criteria for claiming should be defined and articulated as clearly as possible and they should be publicised. They should relate to the “significance” of a find. The guidance in the 1999 information booklet on *Guidelines for Fieldworkers*, should be retained meantime, informed as appropriate by the National Audit definitions. Consideration should be given to an expert consultation exercise to devise more specific criteria. (*Paragraphs 6.18 and 6.19*)

I **recommend** that the claiming procedure should also be more clearly stated. (*Paragraph 6.20*)

I **recommend** that the Treasure Trove Advisory Panel should only be consulted exceptionally about the claiming of finds in difficult or unusual cases and that consideration should be given to producing appropriate internal guidance. (*Paragraph 6.24*)

I **recommend** that the existing delegation to the Secretariat of authority to disclaim finds should be maintained, it continuing to be open to the Secretariat to consult the Q&LTR’s advisers (the Panel and the Q&LTR’s solicitor) about disclaiming, as necessary. (*Paragraph 6.27*)
I **recommend** that there should be appropriate consultation with and information to local museum(s) before and after a find is disclaimed. Finders should be kept fully informed throughout process, including if possible being provided with information about the object. There should also be appropriate acknowledgment of their reporting of the object. *(Paragraph 6.27)*

**ALLOCATION**

I **recommend** that there should be standard, basic allocation criteria and a fast-track procedure for normal cases, with more detailed criteria and more complex procedure only necessary for the smaller number of contested cases. *(Paragraph 6.29 and see Paragraphs 6.30 and 6.46-6.47 further as to criteria and procedure.)*

I **recommend** that the approach to the allocation of objects, as between the national museum and local museums or between separate local museums, should be consistent with the policy and strategic approach to the organisation and functions of museums in Scotland. As the relevant review and the preparation of an Action Plan remain to be completed I do not feel able to offer a final concluded view on what should be the criteria that should be applied by the TTAP and the Q&LTR to determine the allocation of TT finds in cases where more than one museum applies for allocation. *(Paragraph 6.35)*

I **recommend** that wherever possible consideration should be give to the use of joint ownership or loan arrangements to secure resolution of otherwise contested allocation. *(Paragraph 6.31)*

I **recommend** the retention of existing criteria relating to “special” circumstances, such as special conservation requirements, preservation of integrity of assemblages and research. *(Paragraph 6.32)*

I **recommend** retention of the current arrangements for review and appeal. *(Paragraph 6.49)*

I **recommend** that consideration should be given to all finds from archaeological excavations being dealt with by a single Panel. *(Paragraph 6.50)*

I **recommend** that consideration be given to the introduction of follow-up or audit arrangements, specifically relating to TT finds. *(Paragraph 6.51)*

**VALUATION**

I **recommend** that the TTAP should make greater use of outside experts and consideration should be given to establishing a list of approved experts who should be consulted on values. *(Paragraph 6.53)*

**REWARD**

I **recommend** that rewards should continue to be based on market value. *(Paragraph 6.54)*
I recommend the retention and clarification of arrangements for the abatement or non-payment of rewards. Finders should continue to be made aware of the option to decline a reward. (Paragraphs 6.55 and 6.56)

I recommend that the process of valuation should be more transparent and finders who are eligible to receive a reward should have greater opportunity than at present to be informed of the indicative valuation and to challenge it. (Paragraph 6.58)

I recommend that the system should provide other forms of reward or recognition than financial reward. (Paragraph 6.59)

ORGANISATIONAL ARRANGEMENTS

I recommend the retention of the TTAP, clear restatement of its responsibilities and that consideration should be given to merging the FDP with the TTAP. (Paragraphs 6.60 and 6.61)

I recommend that the Panel should sit more frequently than at present – say six times a year. (Paragraph 6.62)

I recommend that the Panel should be chaired by an independent chair and should have at least one independent “lay” member, but that otherwise its members should be representatives of the main relevant constituencies. The number of members should be increased. The Chairperson should be remunerated. (Paragraph 6.63)

I recommend that the position of the TTAP Secretariat be clarified and that the wider role that the Secretariat plays in the system should be recognised by re-badging it as the “TT Secretariat” and appointing one of its staff as “TT Registrar”. (Paragraphs 6.68 and 6.69)

I recommend the appointment of Liaison Officers or Co-ordinators to be located around Scotland. (Paragraph 6.70)

I recommend that time targets should be set for the process in Scotland. (Paragraph 6.73)

PUBLICITY

I recommend that an annual report should be produced. (Paragraph 6.75)

I recommend that representative bodies, such as the NCMD should be encouraged to give more publicity to the Scottish TT system and to re-draft/expand their conduct codes to cover Scottish circumstances specifically.
APPENDIX A

Please refer to TREASURE TROVE IN SCOTLAND Information on Treasure Trove Procedures, Criteria for Allocation and the Allocation Process. SEED 1999 (available at www.treasuretrove.org.uk)
APPENDIX B

*Please refer to TREASURE TROVE IN SCOTLAND Guidelines for Fieldworkers  SEED 1999 (available at www.treasuretrove.org.uk)*
## APPENDIX C

### Method of Discovery of TT Cases 1997-2002

#### Number and percentage of Cases

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APPENDIX D

TREASURE TROVE CASES CLAIMED and UNCLAIMED 1995-2002:

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<td>148</td>
<td>117</td>
</tr>
<tr>
<td>1998</td>
<td>128</td>
<td>150</td>
</tr>
<tr>
<td>1999</td>
<td>160</td>
<td>164</td>
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<tr>
<td>2000</td>
<td>93</td>
<td>155</td>
</tr>
<tr>
<td>2001</td>
<td>93</td>
<td>191</td>
</tr>
<tr>
<td>2002</td>
<td>101</td>
<td>129</td>
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</table>
Details of cases involving competing bids between NMS and other museums – including assessment of quality, for period of Treasure Trove Advisory Panel meetings from April 1997 to October 2002; and “High Quality” objects claimed as Treasure Trove and not bid for by NMS in period 1997-2002
<table>
<thead>
<tr>
<th>Crown Office No.</th>
<th>Object</th>
<th>Quality</th>
<th>Bidding Other</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>43/02</td>
<td>Rink Farm Mesolithic assemblage*</td>
<td>N/a</td>
<td>SBM</td>
<td>NMS</td>
</tr>
<tr>
<td>39/02</td>
<td>Iron Age ingot, Morebattle*</td>
<td>Low</td>
<td>SBM</td>
<td>NMS</td>
</tr>
<tr>
<td>01/02</td>
<td>Excavation assemblage, Inveresk*</td>
<td>N/a</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>64/01</td>
<td>13th century seal matrix (John of Dundemor)</td>
<td>High</td>
<td>Fife</td>
<td>NMS</td>
</tr>
<tr>
<td>44/01</td>
<td>2 Roman Finds, Falla/Black Knowes</td>
<td>Low</td>
<td>SBM</td>
<td>NMS</td>
</tr>
<tr>
<td>36/01</td>
<td>Fieldwalking assemblage, Tentsmuir, Fife</td>
<td>N/a</td>
<td>Fife</td>
<td>E Fife</td>
</tr>
<tr>
<td>23/01</td>
<td>4 Medieval objects, Aberlady*</td>
<td>Low</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>21/01</td>
<td>2 Anglo-Saxon objects, one Roman coin, Aberlady*</td>
<td>Low</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>17/01</td>
<td>Excavation assemblage, Dunbar</td>
<td>N/a</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>12/01</td>
<td>23 medieval objects, Soutra*</td>
<td>High</td>
<td>SBM</td>
<td>NMS</td>
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<tr>
<td>06/01</td>
<td>Early Historic pin, Aberlady*</td>
<td>Low</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>02/01</td>
<td>Early Historic zoomorphic buckle, Aberlady*</td>
<td>Low</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>69/00</td>
<td>17-18th century bodkin, Leven, Fife</td>
<td>Low</td>
<td>Fife</td>
<td>Fife</td>
</tr>
<tr>
<td>42/00</td>
<td>Iron Age terret, Seton Sands*</td>
<td>Low</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>19/00</td>
<td>Gold pin and lead object, Dunbar</td>
<td>Low</td>
<td>ELC</td>
<td>ELC</td>
</tr>
<tr>
<td>130/99</td>
<td>17th century gold posy ring, Lesmahagow</td>
<td>Low</td>
<td>Hamilton</td>
<td>Hamilton</td>
</tr>
<tr>
<td>124/99</td>
<td>Iron Age metal fragment, Dores</td>
<td>Low</td>
<td>Inverness</td>
<td>Inverness</td>
</tr>
<tr>
<td>115/99</td>
<td>Hoard of counterfeit placks, Culross***</td>
<td>High</td>
<td>Fife</td>
<td>Fife</td>
</tr>
<tr>
<td>95/99</td>
<td>Iron Age mount, Edgerston*</td>
<td>Low</td>
<td>SBM</td>
<td>NMS</td>
</tr>
<tr>
<td>81/99</td>
<td>Gold and enamelled annular brooch, Ardvreck</td>
<td>High</td>
<td>Inverness</td>
<td>Inverness</td>
</tr>
<tr>
<td>44/99</td>
<td>17th century horn spoon and amber beads, South Putechantuy</td>
<td>Low</td>
<td>Argyll &amp; Bute</td>
<td>Argyll &amp; Bute</td>
</tr>
<tr>
<td>07/99</td>
<td>Silver Viking arm ring, Colonsay</td>
<td>High</td>
<td>Argyll &amp; Bute</td>
<td>NMS</td>
</tr>
<tr>
<td>151/98</td>
<td>Roman statuette of Jupiter, Peebles</td>
<td>High</td>
<td>SBM</td>
<td>SBM</td>
</tr>
<tr>
<td>144/98</td>
<td>Flint projectile point, Tain</td>
<td>High</td>
<td>Tain</td>
<td>NMS</td>
</tr>
<tr>
<td>142/98</td>
<td>Flint core/tool, Salachy</td>
<td>Low</td>
<td>Inverness</td>
<td>Inverness</td>
</tr>
<tr>
<td>117/98</td>
<td>IA whorl &amp; Roman sherd, Traprain Law*</td>
<td>Low</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>35/98</td>
<td>Excavation assemblage, Geiriscllett, North Uist</td>
<td>N/a</td>
<td>Stornaway</td>
<td>Stornaway</td>
</tr>
<tr>
<td>01/98</td>
<td>Medieval copper alloy head, St Monans</td>
<td>Low</td>
<td>Fife</td>
<td>Fife</td>
</tr>
<tr>
<td>07/98</td>
<td>17th century Highland brooch, Ulva</td>
<td>High</td>
<td>Argyll &amp; Bute</td>
<td>Argyll &amp; Bute</td>
</tr>
<tr>
<td>172/97</td>
<td>2 Roman brooches, Aberlady*</td>
<td>Low</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>171/97</td>
<td>Medieval finds, Aberlady*</td>
<td>Low</td>
<td>ELC</td>
<td>NMS</td>
</tr>
<tr>
<td>135/97</td>
<td>Roman marble torso, Leader Water*</td>
<td>High</td>
<td>SBM</td>
<td>NMS</td>
</tr>
<tr>
<td>103/97</td>
<td>Roman coin hoard, Springwood*</td>
<td>Low</td>
<td>SBM</td>
<td>NMS</td>
</tr>
<tr>
<td>94/97</td>
<td>Hoard of counterfeit placks, Culross***</td>
<td>High</td>
<td>Fife</td>
<td>Fife</td>
</tr>
<tr>
<td>92/97</td>
<td>Hoard of counterfeit placks, Culross***</td>
<td>High</td>
<td>Fife</td>
<td>Fife</td>
</tr>
<tr>
<td>88/97</td>
<td>Prehistoric painted stone ball</td>
<td>High</td>
<td>Dumfries</td>
<td>NMS</td>
</tr>
<tr>
<td>40/97</td>
<td>15th century French coin, Gamrie Kirkyard</td>
<td>Low</td>
<td>Ab'deenshire</td>
<td>NMS</td>
</tr>
<tr>
<td>65/96</td>
<td>Silver coin hoard, Croal Chapel</td>
<td>High</td>
<td>Dumfries</td>
<td>Dumfries</td>
</tr>
<tr>
<td>52/96</td>
<td>Barbed antler point, Bo'ness</td>
<td>High</td>
<td>Falkirk</td>
<td>NMS</td>
</tr>
</tbody>
</table>
Although the number of cases per Panel meeting – and indeed by year – is too small to be statistically significant, the trend taken over the whole period is that the NMS bid was successful in 23 of 39 cases, or 59% of the total.

The 15 cases marked * are those assigned to NMS on the basis of not splitting site assemblages (Criterion 2.2 of TTAP guidelines); the three cases marked *** are those assigned to local museums on the same criterion. Removing these 18 cases from the calculations leaves a total of 21 cases. Overall, the NMS bid was successful for 8 of the 21 cases (38%). This can be broken down as the NMS being successful for 5 of the 10 high quality cases (50%); 2 of the 8 low quality cases (25%); and 1 of the 3 excavation assemblages.

Note that the assessment of quality is inevitably subjective and does not necessarily represent the view of the Panel. Complexities to this assessment include the fact that, while cases 23/01, 21/01, 06/01, 02/01, 172/97 and 171/97, all from Aberlady, are individually categorised as low quality, together they would represent a high quality grouping of artefacts from this location.

A Saville/S Campbell
11 February 2003
### ‘High Quality’ objects claimed as Treasure Trove and not bid for by NMS in period 1997-2002

<table>
<thead>
<tr>
<th>COTT No.</th>
<th>Object</th>
<th>Allocated museum</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/02</td>
<td>Intact Food Vessel, Pitmilly</td>
<td>E Fife</td>
</tr>
<tr>
<td>10/02</td>
<td>Miniature Norse quern stone, Bressay</td>
<td>Shetland</td>
</tr>
<tr>
<td>31/02</td>
<td>British gun lock, Culloden battlefield</td>
<td>Inverness</td>
</tr>
<tr>
<td>32/02</td>
<td>16th century stone/lead gunshot, Ladykirk</td>
<td>Scottish Borders</td>
</tr>
<tr>
<td>42/02</td>
<td>Viking silver ingot, Maxton</td>
<td>Scottish Borders</td>
</tr>
<tr>
<td>44/02</td>
<td>Iron Age carved stone bowl, vicinity Aberdeenshire</td>
<td>Marischal</td>
</tr>
<tr>
<td>47/02</td>
<td>Early Historic (7-8th century) carved stone fragment</td>
<td>Dunbeath</td>
</tr>
<tr>
<td>82/01</td>
<td>Late Bronze Age sword, ritually broken, Barnshills</td>
<td>Stranraer</td>
</tr>
<tr>
<td>79/01</td>
<td>Early Historic cross slab, Kingsbarns</td>
<td>E Fife</td>
</tr>
<tr>
<td>55/01</td>
<td>15th century silver gilt fede ring, Corskelly</td>
<td>Aberdeenshire Heritage/Aberdeen City</td>
</tr>
<tr>
<td>26/01</td>
<td>Seal matrix of ‘Willi Ogilvi’, Turriff</td>
<td>Forres</td>
</tr>
<tr>
<td>08/01</td>
<td>Seal matrix of ‘John of Strathern’, Foulden</td>
<td>pending</td>
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<tr>
<td>55/00</td>
<td>15th century silver gilt fede ring, Banff</td>
<td>Aberdeen City</td>
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<tr>
<td>49/00</td>
<td>Medieval seal matrix, Cromarty</td>
<td>Cromarty</td>
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<tr>
<td>23/00</td>
<td>Silver badge of Charles II, Larbert</td>
<td>Falkirk</td>
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<tr>
<td>10/00</td>
<td>Intact Bronze Age sword, vicinity Cairngorms</td>
<td>Marischal</td>
</tr>
<tr>
<td>125/99</td>
<td>Intact Bronze Age Food Vessel, Barnbauchle</td>
<td>Dunfries</td>
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<tr>
<td>104/99</td>
<td>17th century silver brooch, Moray</td>
<td>Elgin</td>
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<tr>
<td>103/99</td>
<td>Medieval silver-gilt iconographic finger ring</td>
<td>Elgin</td>
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<tr>
<td>58/99</td>
<td>Early Historic cross-slab, Kirriemuir</td>
<td>Angus</td>
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<tr>
<td>08/99</td>
<td>Late Bronze Age sword, ritually broken, Lhanbryde</td>
<td>Elgin</td>
</tr>
<tr>
<td>06/99</td>
<td>Iron Age finger ring, Buchlyvie</td>
<td>Stirling</td>
</tr>
<tr>
<td>02/99</td>
<td>Roman stone altar, Minto</td>
<td>Scottish Borders</td>
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<tr>
<td>121/98</td>
<td>Roman intaglio, Seaton of Usan</td>
<td>Angus</td>
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<tr>
<td>40/98</td>
<td>Medieval silver gilt ring, Airdrie</td>
<td>N Lanarkshire</td>
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<td>03/98</td>
<td>Medieval silver seal matrix, Avoch</td>
<td>Inverness</td>
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<tr>
<td>154/97</td>
<td>17th century gold posy ring, Methil</td>
<td>Kirkcaldy</td>
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<tr>
<td>102/97</td>
<td>Iron Age enamelled finger ring, Birnie</td>
<td>Elgin</td>
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<td>99/97</td>
<td>Medieval silver gilt fede ring, East Haven</td>
<td>Angus</td>
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<tr>
<td>97/97</td>
<td>Medieval silver finger ring, Peel of Gartfarm</td>
<td>Stirling</td>
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<tr>
<td>41/97</td>
<td>Medieval silver cross, Crossraguel Abbey</td>
<td>S Ayrshire</td>
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<tr>
<td>38/97</td>
<td>2 enamelled Roman brooches, Dornoch</td>
<td>Inverness</td>
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<tr>
<td>34/97</td>
<td>16-17th century gold finger ring, Tannadice</td>
<td>Angus</td>
</tr>
<tr>
<td>01/97</td>
<td>Polished stone axehead, Bol Shan Hill</td>
<td>Angus</td>
</tr>
</tbody>
</table>
APPENDIX F

SELECTED REFERENCES


Geertz, C. 1973 The Interpretation of Cultures, New York, Basic Books.


SEDD 2003 Building Better Cities: Delivering Growth and Opportunities.


SEED 1999 TREASURE TROVE IN SCOTLAND Guidelines for Fieldworkers.

