

Revising the definition of treasure in the Treasure Act 1996 and revising the related codes of practice

Response Form

You can reply to the consultation by downloading and completing this response form and sending it to treasure@culture.gov.uk. You do not have to reply to all parts of the consultation, you can reply only to the parts that interest you.

The Response Form contains a Disclosure of Responses statement which you must read, understand and agree. If you do not your response may be considered invalid and would not be considered as part of the consultation.

Instructions

Open and save the form, including your name or organisation in the title. Please click on the grey area in each box in order to type in your answer. There is a 1250 character limit (including spaces) for responses on the form. Please email treasure@culture.gov.uk if you have any difficulties with the form.

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I have read and understood the disclosure of responses statement and I agree with its terms

YES

NO

Introduction

The Treasure Act 1996 (The Act) replaced the common law of treasure trove in England, Wales and Northern Ireland in 1997 (Scotland has its own law of treasure trove). Under the Act, finds that are declared treasure by the coroner belong to the Crown. The Secretary of State for Digital, Culture, Media and Sport is responsible for the treasure process and for the preparation and publication of a Code of Practice associated with the Act. Northern Ireland has its own Code, which reflects its different legislation governing archaeological digging.

When a find is declared treasure it is offered to a local or national museum. If a museum expresses an interest in acquiring the find, the finder and landowner and/or occupier of the site become eligible for a share of a reward matching the market value of the find which is paid by the museum. This value is recommended to the Secretary of State by a committee of experts, the Treasure Valuation Committee (TVC). This recommendation can be reviewed by the Secretary of State.

This consultation deals with proposed changes to the Treasure Act 1996 ('the Act'), its associated Code of Practice ('the Code') and the process for finds that may be treasure following a review of the treasure process. The aim of the Act is to ensure that important archaeological items are preserved in public collections.

Aim

The aim of the proposed changes are to improve the treasure process making it more efficient and focused on the aim of preserving significant finds for public collections, and more rational and easier to understand. We are also keen to ensure that there is a sustainable future for the treasure process. The aim of the consultation is to gather views on the proposed changes, and obtain information that will help us to assess the impact of these changes on groups and individuals. We also ask for opinions, suggestions and evidence which will support the development of future policies on the Act, the Code and the treasure process.

Scope of Consultation

The scope of the consultation is divided into five parts. You may wish to complete the whole survey or just the parts most relevant to you.

The five parts are:

- **Section 1: Changes to the Codes of Practice.** The Code has not been updated fully for nearly 20 years. We are proposing amendments which reflect current practice and changes to the

treasure process which will make it more efficient. We are not asking specific questions in the consultation where the changes are purely administrative.

- **Section 2: Changes in the definition of treasure.** Under the Act the Secretary of State has the power to change the definition of treasure through secondary legislation. The proposed changes consulted on here are a static date for treasure, a definition based on the value of a find, and the extension of the definition of treasure to include single gold coins minted from AD43 to 1344 and base metal objects of Roman date, found together.
- **Section 3: Exemption of finds subject to Church of England legal controls.** The Act removed the condition that a find had to have been buried with an apparent intention by the owner to retrieve it, in order to be defined as treasure. This meant that finds that were subject to the Church of England's legal controls were also subject to the Act. During the passage of the Act, the Government undertook to address this issue. We are proposing that finds subject to the legal controls are exempted from the definition of treasure.
- **Section 4: Commencement of sections of the Coroners and Justice Act 2009 (The 2009 Act) Chapter 4 of the 2009 Act relates to treasure.** We propose to commence some provisions of the 2009 (although not the implementation of a central treasure process under a dedicated Coroner for Treasure) which will improve the treasure process. These would introduce an exemption from the coroner's duty to investigate, a duty on a person acquiring an article that might be treasure to report it and an extension of the time available to prosecute offences under the Act.
- **Section 5: The sustainability and long term future of the treasure process.** There has been an increase in the amount of annual treasure cases from below 100 in 1997 to over a thousand yearly since 2014. This success has put a strain on the resources available for the treasure process. We are asking for comments on some initial proposals for managing this problem, further suggestions, and also allowing space for general comments.

About You

Are you responding as a member of the public or on behalf of an organisation or interest group?

- Member of the public
- On behalf of an organisation
- On behalf of an interest group

What is the name and address of the organisation or interest group?

Name of Organisation	Council for British Archaeology & Chartered Institute for Archaeologists
Your Name	Dr Mike Heyworth
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If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:

The Council for British Archaeology (CBA) has over 4,000 individual members and 400 organisational members.

The Chartered Institute for Archaeologists (CIfA) has over 3500 individual members and 82 Registered Organisations.

Both organisations have solicited the views of their members and participated in a range of sectoral events including their members and other archaeologists to gather a wide range of views.

We may wish to contact you in order to discuss your response in more detail.

If you are happy to be contacted, please provide your details below. If not, please move on to the next question.

Name	Dr Mike Heyworth
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Section 1 - Revisions to the Codes

Questions 1 and 2 relate to Section G of the Codes and Paragraphs 43 to 46 of the Consultation Document.

When a find appears to meet the definition of treasure in the Act, the local coroner holds an inquest to decide if it is treasure. The find is also offered to a museum.

If the museum delays in expressing an interest in acquiring the find, this can lead to further delay in the treasure process and the coroner holding an unnecessary inquest

We propose to introduce a 28 day time limit for museums to express an interest with no answer being an expression of no interest

We propose to ask the coroner to consider delaying an inquest until the museum expresses an interest if the 28 day time limit has expired

Question 1

Do you agree that introducing a time limit for an expression of interest would help to speed up the treasure process?

In general, we think that a time limit would be a sensible approach, but there may be a need in rare exceptional circumstances for there to be an opportunity for museums to be allowed to apply for an extension to the specified time period.

Question 2

What do you think would be the impact of asking the coroner to delay an inquest until an expression of interest is made or the 28 day time limit has expired?

There are good reasons for Coroners to only proceed with an inquest if a find is likely to be acquired, or if there are other good reasons to hold an inquest (eg where there is doubt about the circumstances of discovery of the find). Whilst this proposal may appear to delay individual inquests, overall it should save time and money and should therefore be supported.

Questions 3 and 4 relate Section H of the Codes, Paragraphs 63(3) and (4) E/W Code and 53(3) and (4) NI Code and Paragraph 47 and 48 of the Consultation Document

Sometimes museums have had to withdraw their interest at a late stage, because they didn't appreciate fully the possible value of a find. This means there is a waste in resources and a delay in returning the find to the finder.

We propose to ask museums to research the value of a find before expressing an interest

Question 3

Do you consider that the requirement for museums to research possible value before expressing an interest would reduce the waste of resources caused to the acquiring museum and to the British Museum, National Museum Northern Ireland and National Museum Wales who administer the treasure process?

Question 3

Whilst it may be in the interest of the museum to research the possible value before expressing an interest, this may not always be possible for an individual museum due to the resources and expertise at their disposal.

Question 4

Do you consider that this suggestion is sufficient to reduce the waste of resources or do you think that there are other actions that would increase the efficiency of the process?

The key issue is whether it is appropriate for the museum to have to continue to pay the full market value of the find or whether a system based on a more modest nominal reward is more appropriate and would deliver a greater public benefit. If the aim of the system is to allow more material to be acquired by museums to enable them to be conserved, sustained, displayed and made available for research in the long term then the market value reward system does not deliver this and we believe should be reconsidered.

Question 5 relates to Section H of the Codes, Paragraph 63(4) E/W Code, 53(4) NI Code and Paragraphs 49 – 55 of the Consultation Document

Under Section 6(3) of the Act, the Secretary of State can disclaim a find, which is then returned to the finder. The administrative procedure is outlined at Paragraphs 48 – 50 E/W and 39 – 41 NI.

At the moment finds that are part of a hoard cannot be disclaimed individually until after the inquest. Where a museum only wishes to acquire part of a hoard, this can cause unnecessary work and expense and a delay in returning the find to the finder.

Paragraph 63(4) E/W and 53(4) NI deal with the administrative procedure for disclaiming part of a hoard following an inquest.

To make the guidance clearer, we intend to add a paragraph to this section stating that where part of a hoard is disclaimed, the administrative procedure at Paragraphs 48 -50 E/W and 39-41NI will be followed

We also propose that the Treasure Secretariat tells the coroner that an inquest is necessary on only part of hoard, so that any finds not wanted by the museum could be returned to the finder at an early stage

Question 5

What effect would clarifying that the Paragraph 48 - 50 and 39 - 41 process will apply where a museum withdraws interest at any stage in the treasure process have?

In general this makes sense and is in line with current practice, however we do have concerns about splitting up groups of material when only part of a hoard or group of finds is claimed. This practice should normally be discouraged as groups of material should be kept together to aid research.

Questions 6 and 7 relate to Paragraphs 67E/W and 56NI and Paragraphs 56 – 58 of the Consultation Document

Interested parties can submit their own evidence and valuations to the Treasure Valuation Committee (TVC) when they are considering the value of any reward.

So that all evidence is considered together at an early stage, we propose to add to the Codes at this point a time limit of 28 days for interested parties to submit their evidence and valuations. This will run from the circulation of the provisional valuation.

Additionally, where the TVC confirm their original valuation at a second view, they will only consider a further view at their own discretion.

Question 6

What do you think the effect would be of having a time limit on the submission of evidence and

comments?

This would seem to be reasonable and should enable cases to be processed more efficiently.

Question 7

What do you think would be the effect of having a general rule that the TVC will only consider a case twice (this can be increased at their discretion)?

Unless there is new evidence which may materially alter the conclusions reached in an earlier discussion by the TVC then it should not be necessary for a case to be considered more than twice. This should discourage situations where the TVC is asked to continue to repeat its discussions without any likelihood of a different conclusion being reached, so saving time and resources.

Question 8 relates to Paragraphs 67 E/W and 56 NI and Paragraphs 59 – 62 of the Consultation document

Figures provided by the Treasure Secretariat show that in 2015, nearly a third of treasure finds were valued at less than £115, the average cost of a provisional valuation.

We propose that the Treasure Secretariat screens finds in future, and that lower value finds are valued at first view, by the TVC. Interested parties would be able to submit their own evidence and valuations.

This would save money and time in the treasure process

Question 8

What do you think the effect of screening lower value finds would be?

For low value finds it should be relatively straightforward for the TVC, advised by the Treasure Secretariat, to screen finds and save time and money on the commissioning of external valuations. Interested parties could be given the right to provide their own evidence to query the assigned value. However, the change from a market value reward to a nominal reward - particularly for low value finds - would deliver an even greater public benefit including a considerable saving of time and resources.

Questions 9 and 10 relate to Paragraph 70 E/W Code, Paragraph 59 NI Code and Paragraphs 63 - 66 of the Consultation document

Once the TVC's recommendation is accepted by the Secretary of State the finder and landowner and/or occupier are asked for their bank details. There is currently no time limit for the details to be provided. The Treasure Secretariat and DCMS are holding money from the backlog of cases where the interested parties have not provided details, which is not a good use of public money. In order to manage resources more efficiently we propose to introduce a six month time limit for interested parties to provide details. This six months would begin from the notification of the amount and the allocation of

the reward

Question 9

Do you think that there are any disadvantages to only allowing six months for bank details to be submitted?

It seems reasonable to place a six-month time limit on the submission of bank details and avoid the need for files to remain open and resources to be wasted. There are no obvious disadvantages to this approach.

Question 10

In those circumstances, would it be appropriate for any reward that cannot be paid to the desired recipient because they have not provided bank details to be returned to the acquiring museum?

It seems reasonable where a recipient has not provided the appropriate bank details within the publicised time limit for an assumption to be made that the find has been donated to the acquiring museum at no cost and any funds should be returned to the museum along with the find.

Questions 11 and 12 relate to Paragraph 70 E/W Code, Paragraph 59 NI Code and Paragraphs 67 - 73 of the Consultation document

The treasure process can be delayed where the landowner and/or occupier is not identified. The finder is responsible for reporting a find and providing information about the landowner and/or occupier. Circumstances may arise where the finder is unable to provide the information. For example, because they haven't recognised a find as possible treasure for a long period of time and are unable to

recall where they made the find. If we take forward the proposal to extend to acquirers a duty to report a possible treasure object or coin to the coroner (See Paragraphs 121 - 133 of the Consultation document) the acquirer may well not know where the object or coin was found. We propose that where the landowner and/or occupier's details remain unknown the Treasure Secretariat or SCMS would retain the landowner and/or occupier's share of the reward for 12 months before it would be returned to the museum.

Question 11

Do you see any disadvantages in the suggestion that in circumstances where a landowner and or occupier cannot be identified, the reward money payable to the landowner and or occupier would be retained for 12 months and then returned to the museum?

No, as long as reasonable efforts have been made to identify the landowner and or occupier.

Question 12

In those circumstances, would it be appropriate for any reward that cannot be paid to the desired recipient because they cannot be identified to be returned to the acquiring museum?

Yes

Questions 13 and 14 relate to Section J Rewards, Paragraph 81 E/W Code, Paragraph 70 NI Code and Paragraphs 74 - 77 of the Consultation document

The Codes state that archaeologists and those engaged on an archaeological excavation or investigation are not eligible for a reward. The TVC decide when an interested party meets that definition. Misunderstandings can arise where a finder subsequently takes part in an archaeological investigation on the site of their find. We propose to add the following definitions of an archaeologist and of those engaged in archaeological excavation in the Codes to provide clear guidance to interested parties and the TVC. Archaeologist: A professional, student, volunteer or amateur engaged on a planned study of the landscape where the primary goal is to understand past activity through an assessment of all traces of human activity

Archaeological excavation or investigation: A planned study of the landscape that aims to record all traces of human activity thereon. It can be conducted by professional units, educational institutions or societies

Question 13

Do you consider that the proposed definitions of archaeologist and archaeological excavation or investigation are accurate?

The current approach which involves paying rewards only to non-archaeologists creates a perverse financial disincentive to metal detectorists to work to archaeological principles. This is contrary to many years of work within the archaeological and metal-detecting communities on principles for responsible metal detecting.

The language used in the proposed definitions of "archaeologist" and "archaeological excavation or investigation" contains phrases which are out of date ("professional units").

Instead, we propose an alternate approach to determine eligibility for rewards based on the idea of "individuals engaged in organised activities". This would allow for the exclusion of all types of archaeological projects, as well as potentially extending the cover to large, organised metal-detecting rallies.

Question 14

Do you see any disadvantages in having these definitions in the Code?

We can see considerable disadvantages to the proposed definitions and we are keen to work with DCMS to put forward a more appropriate approach as outlined above.

Question 15 relates to Section L Speed of Handling Cases Paragraph 87 E/W Code, 76 NI Code and Paragraphs 78 - 81 of the Consultation document

The Codes contain deadlines which aim to provide focus for the institutions and individual who participate in the treasure process. Research by the Treasure Secretariat indicates that delays occur at the beginning and the end of the process. In order to address this we propose to replace the current deadlines with those below, focusing on the beginning and end of the process. The curator or FLO's provide reports for the coroner, which puts forwards the reasons why a find falls under the Acts definition of treasure. We will propose that these should be written within three months of the find being reported. Coroners should consider holding inquests within three months of receiving a request to do so from the Treasure Registry, in accordance with Paragraph 12 of the Chief Coroner's guidance: Treasure - A Practical Guide for Coroners Museums should endeavour to pay for acquisitions within three months

Question 15

Do you think that these times would improve the rate at which treasure cases are resolved?

In theory this should be beneficial and in most cases it should work well for everyone to have a clear idea of the timescales involved for the different elements of the process, however for large and complex finds (eg coin hoards) which may require conservation and scientific examination before a report can be written it may not be possible to work to the normal timescale.

Commercial archaeology works under different frameworks than Finds Liaison Officers and Museum Curators. In most cases, negotiation of post-excavation budgets must take place before reports can be written. It can be hoped that this will be completed in a timely fashion but we do not believe a three month reporting time is applicable in these cases. This should be made clear in the Act.

Question 16 relates to Paragraph 87 E/W Code, After Paragraph 79 NI Code and Paragraphs 82 – 84 of the Consultation document

When a reward is finalised the acquiring museum is invoiced for that amount, with payment expected within three months. Understandable delays in payment can occur, but we appreciate that this can be frustrating for the interested parties. We propose therefore that where a payment has been delayed longer than three months the acquiring museum would be required to provide an explanation and an indication of the expected time for payment.

Question 16

Can you see any disadvantages to a requirement for acquiring museums to explain delays in payments?

There are good reasons why there may be delays in museums raising the funds to acquire finds, but it is reasonable in these situations for museums to explain these delays and keep interested parties informed about the likely extent of any delays.

Section 2 - Revisions to the definition of treasure in the Act

Questions 17 and 18 relate to Section 1.1 (a) of the Treasure Act 1996 and Paragraphs 85 - 88 of the Consultation document

Under Section 1.1 (a) of the Act, treasure is defined as objects 300 years old or older. This means that shortly a large volume of mass produced articles could be bought into the scope of the Act. In order to focus resources on significant archaeological, cultural and historical finds we propose to change the definition from a sliding date into a static date of pre- 1714. We understand that there is a risk that significant objects could not be preserved for public collections, and we have addressed this at length in the Consultation document.

Question 17

Do you think that changing to a static date is a good idea?

We do not believe that a static date is appropriate for archaeological finds. Research on post medieval archaeology and industrial archaeology has provided significant insights into the material remains of these periods in recent years and there should be an opportunity for significant finds under 300 years old to be defined as Treasure.

It should be possible to work with researchers to define the categories of significant find from this modern era which should be considered as Treasure to give finders a clear understanding as to what needs to be reported.

Question 18

Do you think 1714 is an appropriate date?

No (see Q17).

Questions 19 and 20 relate to changes under Section 2(1) of the Act and Paragraphs 89 - 94 of the Consultation document Research by the British Museum indicates that most finds worth over £10,000 would usually fall within the current definitions of treasure. However, there are rare and important articles such as the Crosby Garrett helmet which do not, and have consequently been sold into private collections. We propose to designate an additional class of treasure for the purposes of section 1(1) (b) of the Act: objects that meet the age criterion (i.e. are at least 200 years old when found) and have a value of over £10,000. Our aim is that this definition should be flexible enough to capture important objects while excluding finds that are more common and less likely to be acquired by museums. Details of how we see the process working, and the management of the risks of defining a find as treasure based on its financial value are considered in the consultation document in Paragraphs 87 - 92.

Question 19

What view do you have of the proposed value based definition and what impact would it have?

Given the opportunity, we would prefer the Act to be redefined as the Portable Antiquities Act to reduce the focus on the financial value associated with finds. We do not believe that it is appropriate or helpful to propose a financial value threshold for finds to fall within the Act. For archaeological sites there are criteria for defining significance which can lead to a site being Scheduled. It is reasonable to propose a similar approach for portable antiquities, based on published criteria and expert assessment. We would be happy to work with DCMS officials to develop this approach.

It might be suggested that this will be difficult for finders to follow as they may not know themselves whether a find is significant. This applies equally to any approach based on financial value of objects. As it is desirable that all archaeological finds are reported via the Portable Antiquities Scheme then this should provide a reasonable safety net to allow significant finds to be identified. In practice it should be possible to define significant finds in such a way that they are rare and easily identifiable.

Question 20

Do you think that there is any more appropriate way to ensure that important finds which do not currently fall within the definition of treasure are retained?

Question 20

It might be possible to introduce legal requirements to allow museums to have the first opportunity to acquire all archaeological finds before they are made available for sale on the open market.

Questions 21 and 22 relate to a change under section 2(1) of the Act and to Paragraphs 95 to 97 of the Consultation document

Currently single gold coins do not fall under the definition of treasure. We propose to add a definition to include all single coin finds of any origin dated between AD43 and 1344, when Edward III re-introduced gold coinage in England. Recorded finds of coins of this time are rare, and indicate the lack of gold coins circulating at that time. The aim of this change is to focus resources on significant coins and avoid bringing into the scope of the act more common finds.

Question 21

What view do you have of the proposed designation for single gold coins and what impact would it have?

We support the opportunity to bring single coins dated between AD43 and 1344 within the definition of Treasure, however we would query why the date of 1344 has been chosen as the arbitrary cut off date. If this date has been chosen for pragmatic/financial reasons then we would suggest that DCMS ought to be considering the public benefit and archaeological value of finds above pragmatism and financial considerations. As we have argued above, we believe that an approach based on the significance of the finds is more appropriate than one based on arbitrary dates or financial value.

We also note that the suggested date ranges are problematic in some areas - eg they would not include Iron Age gold coins from Wales.

Question 22

Would AD43 to 1344 be the most appropriate dates for defining single gold coins as treasure?

No (see Q21)

Question 23 relates to a Change under Section 2(1) of the Act and Paragraphs 98 to 100 of the Consultation document

In 2009 the Royston Roman hoard was only preserved for a public collection because one object had a small amount of silver in it. In order to ensure that significant objects are preserved for public collection, we propose to extend the definition of treasure. The definition will include closed deposits (where objects and/or coins are believed to have been intentionally buried together) of base metal objects, where at least two of the objects are of Roman date.

Question 23

What do you think the impact would be of widening the definition of treasure to include objects any part of which is base metal, which form part of a group of articles of Roman date intentionally buried together?

This would follow on from the previous change in 2002 which included prehistoric base metal hoards and would ensure that a modest number of significant finds were also included within the definition of Treasure. Of itself, it will require limited additional resources but send a further important signal about the significance of base metal hoards of Roman date. This may help to ensure that such finds are more likely to be reported and excavated/recorded to higher standards.

Consideration should also be given to extending this to cover material dating from the Anglo-Saxon/early medieval period.

Section 3 Exemption of objects subject to Church of England statutory regimes

Question 24 and 25 relate to changes under Section 2.2 of the Act and Paragraphs 101 – 118 of the Consultation document

The Act removed the common law requirement for a treasure find to have been apparently buried with an intention to retrieve by the original owner. This brought into the scope of the Act objects which had been buried in association with human interments in ground consecrated according to the rites of the Church of England. These objects are also subject to the Church of England's own systems of control, which are part of primary legislation.

The Government undertook to address this situation during the passage of the Act. We propose that finds that fall under the Church of England's own systems of control are exempted from the definition of treasure. Further details of the systems of control and the proposed exemptions can be found in the Consultation document.

Question 24

What do you think the effect would be of limiting objects that fall under the Care of Cathedrals Measure 2011 and the Faculty Jurisdiction to one legal system?

The Church of England's systems of control are analogous to Treasure law so this would have no obvious impact.

Question 25

Do you consider that the Care of Cathedrals Measure 2011 and the Faculty Jurisdiction are sufficient to protect finds which fall under those systems?

Yes

Question 26 relates to the commencement of Section 29 of the Coroners and Justice Act 2009 (the 2009 Act) and Paragraphs 122-123 of the Consultation document

Section 29 of the Act provides that the coroner can decide not to begin or continue with an investigation where the Secretary of State disclaims a find that has been reported as possible treasure. We propose to commence this provision which would remove the need for the coroner to hold an inquest where no museum has declared an interest in an object or coin and would allow it to be returned to the finder.

Question 26

What effect do you think giving coroners the power not to conduct an inquest into treasure would have?

Inquests can be useful, particularly when there is uncertainty about the circumstances of the discovery of the find, however in most cases where a museum does not wish to acquire the find it is not necessary for the Coroner to hold an inquest as it does not deliver any public benefit. Allowing Coroners the power not to conduct an inquest in these circumstances would therefore be a sensible saving of time and resources.

Section 4 Commencement of measures in the Coroners and Justice Act 2009

Questions 27 and 28 relate to the commencement of Section 30 of the 2009 Act and Paragraphs 124-134 of the Consultation document

Since the introduction of the Act, the environment in which it operates has changed, the introduction of online markets has made it easier for the rare unscrupulous finder to sell an undeclared find. In order to address this problem we propose to commence Section 30 of the 2009 Act. This would insert Section 8A into the text of the Treasure Act and would create a duty on anyone who acquired a possible treasure object or coin to report it to the coroner. Section 8A would create a criminal offence of failing to notify the coroner where a possible treasure finds has been acquired and there has been no investigation. In addition, commencing Section 30 will introduce a presumption when offences under Section 8 of the Treasure Act are prosecuted that, in the absence of other evidence, finds in England and Wales were made after the commencement of the Treasure Act.

Question 27

What effect do you think the extension of the duty to report a possible treasure find to a person who acquires a find would have?

This is an appropriate and proportionate measure which should increase the likelihood that significant finds are reported as Treasure. The current approach which only places a legal obligation on the finder leads to occasional situations where material has been passed on, inherited or acquired by a dealer in good faith and the extension of the duty will encourage them to report the finds. It will also further discourage the practice of illegally excavated finds being passed on to dealers who then have no legal responsibility under the current law.

We also particularly welcome the plan to change the presumption so that finds are assumed to have been made since the introduction of the Treasure Act unless there is good evidence to the contrary as this removes another loophole which can be exploited by unscrupulous finders and encourages appropriate due diligence by dealers.

Question 28

Do you have any other comments on these proposals to commence these elements of the 2009 Act?

No

Question 29 relates to the commencement of Sections 8B and 8C of the Treasure Act and Paragraph 135 of the Consultation document.

Section 8C will increase the length of time allowed for proceedings under Section 8.

Question 29

What effect do you think extending the lengthening of time for bringing proceedings for prosecution would have?

This is welcome news as it can be the case that more time is needed to bring prosecutions under the Act and this will further encourage finders to follow the Act by increasing the deterrence against reporting.

Section 5 The long term future of the treasure process and its sustainability

Questions 30 and 31 relate to the long term sustainability of the treasure process and Paragraphs 136

– 143 There has been increase in annual treasure cases from below 100 per year in the mid-1990s to over a thousand per year since 2014. The overwhelming majority of these finds have been made by metal detectorists who have been instrumental in preserving unique finds such as the Ringlemere Cup

for public collections and the creation of the PAS database. Given this increase in cases the question of the long term financial sustainability of the treasure process arises and how it can continue to support the aims of the Act to preserve objects of cultural, historic and archaeological importance for the public. In order to address this we have put forward some suggestions on the future form of the process. These are:

- the introduction of a process similar to that in Scotland, whereby all archaeological objects become the property of the Crown;
- strengthening educational outreach to the full spectrum of the metal detecting community in order to encourage the proactive reporting of finds and adherence to the Code of Practice for Responsible Metal Detecting and the treasure process; and
- the introduction of a regulation as in Northern Ireland where archaeological digging of any sort (both by professional archaeologists and others) is only allowed by permit

The aim of these suggestions is to open initial debate and to encourage other suggestions for the long term sustainability of the treasure process

Question 30

What are your views on these preliminary suggestions on the future form of the treasure process?

We are pleased that these preliminary suggestions have been presented as options for further reform of the Treasure process. We agree that there is a need for such discussion. In particular the Chartered Institute for Archaeologists believes that it is a timely opportunity to consider the benefits that a system of licensing would bring as a way to promote higher standards in archaeology, as well to encourage greater reporting of archaeological finds by metal detectorists.

We fully support strengthening educational outreach to the full spectrum of the metal-detecting community in order to encourage the proactive reporting of finds and adherence to the Code of Practice for Responsible Metal Detecting and the treasure process. Finds Liaison Officers from the Portable Antiquities Scheme are often best placed to undertake this work on the ground but do not have the time and resources to do this as effectively as they would like. Further discussion with the British Museum and other PAS partners is needed to develop the outreach potential.

Question 31

Do you consider that there is a different approach to changing the process which would support its long term sustainability?

As stated above, we believe that it is timely to reconsider the relevance of 'Treasure' and have recommended redefining the Act the Portable Antiquities Act to help reduce the focus on financial value and the 'hunting' for 'treasure' for individual personal gain. We would ask for Government to acknowledge that there is a present need for serious discussion of how the Treasure system meets its core objectives or preserving objects of national significance in public collections. These discussions should engage with issues of the long-term sustainability of the current model and with the principles which underpin this model. This should include the principles of issuing rewards to finders and landowners, the principle of ownership of Treasure, the weight given to significance in the definition of Treasure and alternate options for regulating activities which result in the discovery of Treasure. We invite DCMS to set a timescale for convening these discussions.

Question 32 relates to additional comments on the proposed changes and to Paragraphs 144 of the Consultation document

Question 32

Do you have any additional comments on the proposed changes to the Code and to the legislation governing the treasure process?

Currently the Treasure Act does not operate processes capable of dealing with marine finds. We would like to explore whether there were opportunities to extend the remit of the Treasure system to provide a more seamless system for managing portable antiquities on land and sea and creates links with and provides sustainable funding for the Marine Antiquities Scheme.

We very much welcome the opportunity to discuss the Treasure Act and the associated Code of Practice and we are both keen to continue the dialogue established through the consultation process to assist DCMS officials to reach sound conclusions on the issues raised within the consultation. In general, we are concerned that many of the proposals are framed to ensure that they are manageable within a context of limited resources and not necessarily based on sound principles for delivering public benefits relating to the archaeological record. We strongly recommend that a more principled approach is adopted and the case can then be made for the necessary resources. This includes appropriate resources for the Portable Antiquities Scheme.