



Department for
Digital, Culture,
Media & Sport

A new class of treasure

Changes to the Treasure Act and the Codes of Practice



The Treasure Act

- ★ The aim of the 1996 Act is to ensure that important archaeological items are preserved in public collections.
- ★ Parliament has agreed that
 - the designation of a new class of treasure based on significance,
 - the exemption of finds that also fall under the statutory provisions of the Church of England
 - a revised version of the Code of Practice will support this aim



STATUTORY INSTRUMENTS

2023 No. 404

TREASURE

The Treasure (Designation) (Amendment) Order 2023

Made

30th March 2023

Coming into force

30th July 2023

The Secretary of State, in exercise of the powers conferred by section 2(1) and (2) of the Treasure Act 1996(1), makes the following Order.

In accordance with section 2(4) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Treasure (Designation) (Amendment) Order 2023 and comes into force 4 months after the day on which it is made.

(2) This Order extends to England and Wales, and Northern Ireland.

(3) The amendments made by this Order do not apply in relation to objects found before this Order comes into force.

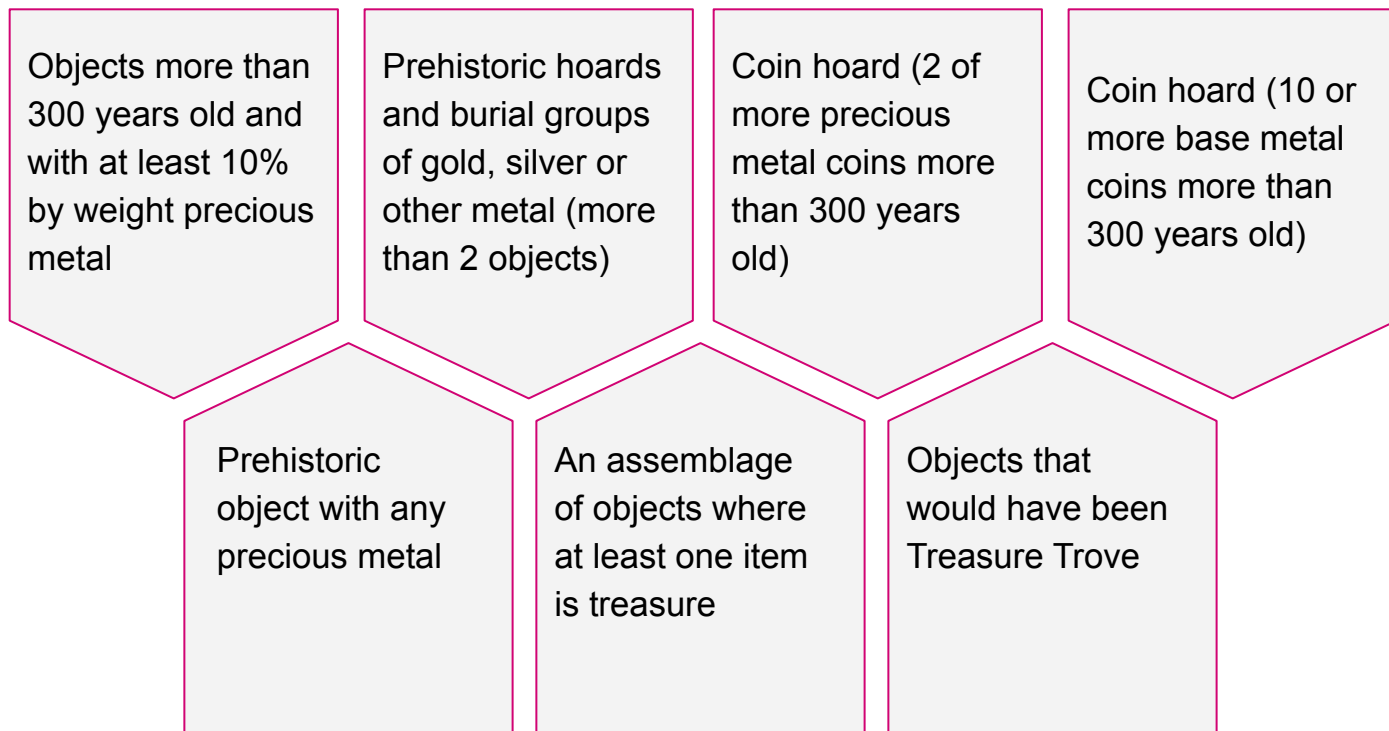
When does it come into force?

- ★ The Order became law on 30 March 2023
- ★ It doesn't come into force until four months later to allow for training and implementation
- ★ It will come into force on 30 July 2023
- ★ The revised Code will also come into force on 30 July 2023
- ★ The change will only apply to finds made after 30 July 2023

| July 2023 | | | | | | | < | > |
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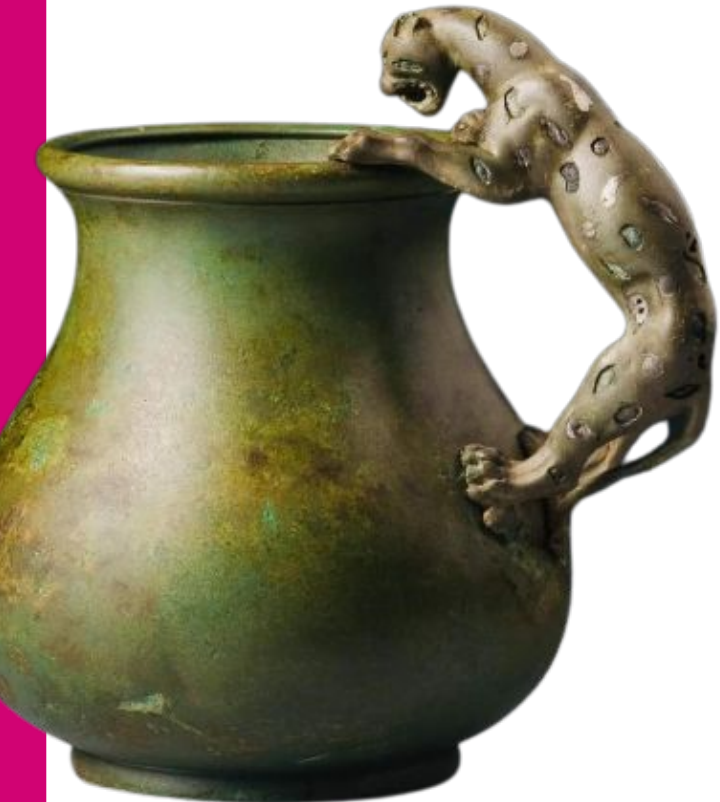
Current Classes of Treasure

The current definition is based on the age, material and number of objects in a single find. In 2002 the definition was expanded to include base-metal prehistoric hoards.



Treasure (Designation) (Amendment) Order 2023:

A high bar for significance



There is a high bar - **objects must provide an exceptional insight into an aspect of national or regional history, archaeology or culture**, by virtue of their:

- rarity as an example of its type found in the United Kingdom
- location, region or part of the United Kingdom in which it was found
- connection with a particular person or event

Objects will need to be at least partly metal and over 200 years old

Points to remember

- ★ The new class is in addition to the earlier classes of treasure, which still apply
- ★ Where a find is treasure under the earlier classes there is no need to consider the significance of a find
- ★ The age limit for the new class of treasure is **200 years or older**
- ★ The new class includes finds of any metal
- ★ Gold and silver finds between 200 and 300 years old that meet the significance criteria can be treasure
- ★ Single gold coins that meet the significance criteria can be treasure



Non metal finds

- ★ Extending the definition to include non-metal significant finds was considered
- ★ The view was taken that all materials would have to be considered, including wood, glass and textiles
- ★ This would have an impact on the treasure process, archaeological excavations and archives and possibly planning processes
- ★ The effect of the current change will be monitored to provide a basis for assessing the impact of a wider material definition
- ★ Any proposed designation of a new class of treasure will be fully consulted upon



Recognising and reporting significant finds

The aim of the new class is provide a mechanism for finds that are recognised as significant, it doesn't require finders, FLOs or museums to examine every find for significance.

As now, finder must report discoveries with 14 days of having reason to believe it is treasure. This could be through their own knowledge or research they believe it to be important. Or Another party, for example a FLO or art and antiques dealer advises them a find is important or rare.

As with all Treasure, it will be for the coroner to determine if the find is Treasure. This decision will be based on expert evidence provided the British Museum and others.

There will be clear guidance with examples, case studies and sample reports, to support those who made need to identify Treasure.



The Code of Practice and delivery

The Treasure consultation also introduced other changes to the Treasure process that will be implemented at the same time as this new definition.

These are administrative with the aim of improving the treasure process so that it is more efficient and transparent for all involved. This Includes:

- Clearer timeframes
- Returning unclaimed rewards
- Exempting finds from Church of England land
- Clearer process for TVC reviews

We have increased funding for the Treasure Registry at the British Museum and Portable Antiquities Scheme to deliver this change.

We are funding a new digital Treasure system, delivered by the British Museum.



Changes that affect Finds Liaison Officers

- FLOs will need to be familiar with the new definition so that they can advise finders on whether an object may be treasure. **We will offer webinars and guidance so that they fully understand the new legislation and to support them in fulfilling their legal obligations.**
- You may be asked to contribute to **“statements of significance”** in reports for the coroner when a find is being declared under the significance-based class.
- **You may not be the only author on reports to the coroner** - the acquiring museum should be asked to make a statement, and additional expert opinion can be included to strengthen the case where necessary.
- Timelines have been clarified to manage expectations across the whole process. For reports this has been given as **90 days** from being commissioned. This is based on averages. If you cannot do this you should let the Treasure team know who may assign the case to someone else in straightforward/routine cases.

Changes that impact finders

- Finders will need to be familiar with the new definition to ensure they comply with the law. **We will offer webinars and guidance so that they fully understand the new legislation and to support them in fulfilling their legal obligations.**
- There are new deadlines that impact finders:
 - The report writer who should aim to complete the Treasure Report within **90 days** of being commissioned. This will happen **after the finder has supplied all the information.**
 - Interested parties, including the finder, have **28 days** from being informed of the provisional valuation and the Treasure Valuation Committee's recommendation to comment and provide further evidence for either consideration by the Committee or the Secretary of State before the final decision
 - Known reward recipients have **180 days** to provide their bank details. Unclaimed rewards will be returned to the museum.
 - A finder must collect a disclaimed find within 12 months, after which it will be dealt with in line with that institutions abandoned objects policy.

Changes that impact Museums

- Museums may be asked to contribute to “**statements of significance**” in reports for the coroner when a find is being declared under the significance-based class.
- There are new timeframe guidelines that museums should be aware of:
 - 28 days to express and interest in acquiring a find - this is not binding and the time limit can be extended at the discretion of the Treasure Registry.
 - 4 months to pay invoices - can be extended at the discretion of the Treasure Registry
- Museums should carry out due diligence on potential reward costs of any find they wish to acquire in advance of making an expression of interest.
- Unclaimed rewards will be returned to museums.



Bob Croft (Head of Historic Environment, South West Heritage Trust) examines the findspot of an important early medieval brooch in an initial test pit

What happens next?

May

Draft guidance will be finalised

A working group will be formed to advise on the guidance

Sessions will be arranged with stakeholders to train and familiarise them with the new definition and Code

June

Working group will finalise guidance

Case studies will be drafted

Training and familiarisation sessions continue

July

Guidance material will be circulated

Training and familiarisation will continue.

End of July

The change comes into force and is implemented.

And then?

enhanced monitoring of casework to ensure a smooth roll out and share learning.

Continue to provide training and info.

Monitor whether limiting the new class to metal artefacts leads to the loss of important heritage

Any Questions?

Read the statutory Instrument on **legislation.gov.uk**:

https://www.legislation.gov.uk/ukdsi/2023/9780348244854/pdfs/ukdsi_9780348244854_en.pdf

Read the Code of Practice on **gov.uk**:

<https://www.gov.uk/government/publications/draft-treasure-act-1996-code-of-practice-3rd-revision>

Contact us at: treasure@dcms.gov.uk