

TREASURE TROVE IN SCOTLAND

A CODE OF PRACTICE

JULY 2014 (as revised to 13 January 2016)

Under Scottish law all portable antiquities of archaeological, historical or cultural significance are subject to claim by the Crown through the Treasure Trove system and must be reported.

This document provides a comprehensive guide to the Treasure Trove system and sets out best practice to be followed by all parties involved in its operation.



**Treasure
Trove**

*Protecting our
Archaeological Heritage
for the Nation*

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FOREWORD

The Treasure Trove processes in Scotland play an important role in ensuring that material of significance for the history and culture of Scotland which is discovered either by chance find or by organised archaeological fieldwork is retained by Scottish museums for the benefit of us all and future generations. They are also intended to encourage the reporting of finds.

Those processes have been underpinned since 2008 by the "Treasure Trove in Scotland, A Code of Practice", and so it seemed the right time to undertake a review pursuant to paragraph 1.4 of that Code.

This revised Code of Practice is the result.

I am very grateful to all those who gave us the benefit of their experience on the 2008 Code to inform the review and this revised Code.

The Code of Practice is a living document and users and readers are invited to offer comments to my Office on its operation.



Catherine Dyer,
Queen's and Lord Treasurer's Remembrancer

1. INTRODUCTION

1.1 Origin of this document. In its published response to a review of the Treasure Trove system the then Scottish Executive determined that a 'comprehensive and authoritative Code of Practice should be drawn up'.¹ "Treasure Trove in Scotland: A Code of Practice" was issued in December 2008. Paragraph 1.4 of the 2008 Code recorded that the Code would be subject to periodic review, and the Queen's and Lord Treasurer's Remembrancer (QLTR) consulted² on a review of that Code between 2 May and 2 August 2013. The QLTR prepared a Report³ on the Consultation Process following consideration of the responses from consultees. The consultation responses and other available evidence have been used to produce this revised Code of Practice.

1.2 Compilation. The revised Code of Practice has been compiled for the Scottish Government by the QLTR in conjunction with the Scottish Archaeological Finds Allocation Panel (SAFAP).

1.3 Status. This Code of Practice, published with the approval of Scottish Ministers, is an advisory notice setting out guidance and best practice in relation to the law in Scotland as applied to portable antiquities. However, it is not the QLTR's role to provide legal advice to third parties and they would need to obtain their own advice. Whilst this Code provides general guidance as to the QLTR's approach to portable antiquities found in Scotland, it is not legislation and should not be interpreted as such and the QLTR reserves the right to change or depart from the guidance in this Code at any stage or in relation to any matter.

1.4 Review. The Code of Practice will continue to be subject to periodic review and it will therefore be important to use the most up-to-date version. This version (July 2014 (as revised to 13 January 2016)) of the Code supersedes the 2008 Code and all previous booklets and leaflets pertaining to Treasure Trove in Scotland. Updated versions will be prepared as necessary, and the most recent version will be accessible on the following websites:

- www.qltr.gov.uk
- www.treasuretrovescotland.co.uk

Comments from users will be welcome and will be considered when the Code is revised. (Comments should be sent to the QLTR at the address in **Appendix S**)

1.5 Using this document. The first sections of the Code set out the aim and policy of the Treasure Trove system. They describe which bodies are involved and what are their responsibilities, and give definitions of the main terms used. Following these are sections which provide a guide to the Treasure Trove process, from the discovery of a portable antiquity or fieldwork assemblage

¹ *The Reform of Treasure Trove Arrangements in Scotland*. Edinburgh: Scottish Executive, November 2004

² *Consultation on Review of "Treasure Trove in Scotland: A Code of Practice"*: QLTR, May 2013

³ *Report on the Consultation Process*: QLTR, November 2013

through to its acquisition by a museum, and to the roles and responsibilities of finders, museums, official bodies and others.

2. THE TREASURE TROVE SYSTEM

2.1 Definition. Treasure Trove system is the traditional descriptive phrase given to the practices governing the administration by or on behalf of the QLTR of the Scots common law about portable antiquities found in Scotland.

'Treasure Trove' has been applied in Scotland since medieval times, but the system was substantially modified in the 1990s and was adopted in its present form in 1999.⁴

2.2 Purpose. The Treasure Trove system safeguards portable antiquities of archaeological, historical and cultural significance found in Scotland, and enables their allocation to Scottish museums.

2.3 Policy responsibility. Policy (which includes considering the need for any legislative changes impacting on portable antiquities or the Treasure Trove system) and financial responsibility for the Treasure Trove system lie with Scottish Ministers and are exercised through the Culture and Historic Environment Division of the Scottish Government.

2.4 Operational responsibility. Operation of the Treasure Trove system in relation to portable antiquities found in Scotland, and decisions on the allocation of finds to museums and the level of any *ex gratia* payment, lie with the QLTR. The QLTR is advised by the Scottish Archaeological Finds Allocation Panel and supported by the Treasure Trove Unit (TTU) and the QLTR Office.

2.5 Statement of the legal position.

(i) Found items from anywhere in Scotland (on land, in buildings, from inland waters, from within harbours, and from the coast and other tidal waterways down to mean low tidal water level) which are not otherwise owned and for which there is not a demonstrable heir (*bona vacantia*) are the property of the Crown at Scots common law. Portable antiquities form a subset of *bona vacantia*.

(ii) Found portable antiquities must be reported to the Crown by the finder through the Treasure Trove Unit or an appropriate intermediary (e.g. a museum). Misappropriation of found portable antiquities is the crime of theft and dishonest dealing in such items is the crime of reset, or receiving stolen property. Failure to report the finding of portable antiquities or the removal of found portable antiquities from Scotland (including to elsewhere in the United Kingdom) may provide evidence of misappropriation. Cases of apparent dishonesty will be reported to the Procurator Fiscal or Police for investigation and consideration of criminal proceedings. Offences are punishable by a fine or a term of imprisonment or both.

(iii) Non-reported portable antiquities cannot be owned by anyone else if the Crown has not been given the opportunity, by reporting, of exercising its right of ownership. There is no time limit with respect to non-reporting of items which thus remain the property of the Crown in perpetuity. Finders have no ownership rights to found objects which have not been reported to the Crown. Landowners have no property rights to portable antiquities, nor do sponsors of organised archaeological fieldwork have any claim to any finds made on their

⁴ *Treasure Trove in Scotland: Information on Treasure Trove Procedures – Criteria for Allocation and the Allocation Process.* Edinburgh: Scottish Executive Education Department, August 1999

projects. Finders must ensure they have any appropriate permission to search land for portable antiquities.

(iv) Many chance finds are made with the aid of a metal detector. It is a criminal offence (under section 42 of the Ancient Monuments and Archaeological Areas Act 1979) to use a metal detector on a scheduled monument or a monument in the ownership or guardianship of Scottish Ministers, or of a Local Authority, without prior written permission from Scottish Ministers (further information can be obtained from Historic Environment Scotland – see **Appendix S** – and from Local Authority archaeologists).

2.6 Civic Government (Scotland) Act 1982. Part 6 of this Act sets out a duty to report lost or abandoned property to the police where someone has taken possession of it without the authority of the owner. Section 78(3) of the Act however has a saving in relation to the Crown's rights in such property (which would include portable antiquities found in Scotland) and any such antiquities should therefore be reported to the TTU rather than the police.

2.7 Human remains and soil samples

The law of *bona vacantia* does not cover human remains (unless they have been turned into artefacts), unworked animal remains, geological specimens or environmental material such as soil samples. Where such material is reported as part of an assemblage the QLTR will usually be prepared to try and facilitate its transfer to a museum along with the remainder of the assemblage but the QLTR has no title to such material and if no museum is interested in seeking to take it the Treasure Trove processes will be unable to assist further in relation to that material.

2.8 Role of archaeology within the planning process and development framework

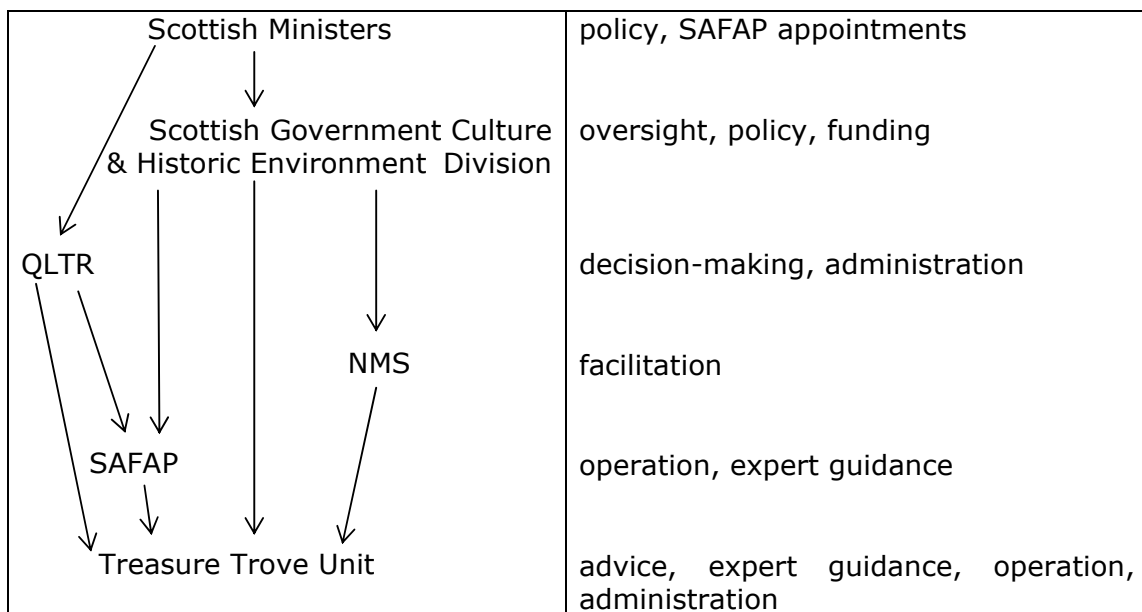
It is recognised that the Treasure Trove system benefits from the material recovered through the assemblages from the organised archaeological fieldwork carried out as a condition of the planning process in advance of development.

3. OPERATING THE TREASURE TROVE SYSTEM: THE BODIES INVOLVED (Fig.1)

3.1 QLTR. The Queen’s and Lord Treasurer’s Remembrancer (QLTR) operates the Treasure Trove system. The QLTR is the Crown representative ultimately responsible for all decisions over the claiming, valuation and allocation of portable antiquities found in Scotland. The QLTR is supported by the Treasure Trove Unit and the QLTR Office.

3.2 SAFAP. The Scottish Archaeological Finds Allocation Panel (SAFAP) is a non-statutory specialist advisory panel which makes recommendations to the QLTR on the valuation and allocation of portable antiquities and archaeological assemblages claimed by the Crown. It meets at least three times per year (see **Appendix A** for its terms of reference). In its present form (since 2005) the Panel represents an amalgamation of the former Treasure Trove Advisory Panel and the former Finds Disposal Panel.

Fig. 1: Treasure Trove Responsibilities Tree



Abbreviations

QLTR: Queen’s & Lord Treasurer’s Remembrancer

NMS: National Museums Scotland

SAFAP: Scottish Archaeological Finds Allocation Panel

3.3 TTU. The Treasure Trove Unit (TTU) supports the QLTR and undertakes the day-to-day operation of the Treasure Trove system. The Unit is funded by the Scottish Government and housed within NMS (see **Appendix B** for its functions).

3.4 NMS. National Museums Scotland (NMS) provides accommodation and facilities for the TTU and makes available expert advice and other resource support to assist the TTU. The Director of NMS nominates one member of staff to represent NMS on SAFAP.

3.5 MGS. Museums Galleries Scotland (MGS) provides a channel of communication to and from the museum sector for Treasure Trove matters. The CEO of MGS nominates one member of staff to represent MGS on SAFAP.

3.6 HES. Historic Environment Scotland (HES), is a major sponsor of archaeological fieldwork. HES also undertakes Scottish Ministers' responsibilities in relation to scheduled monuments and monuments in the guardianship of Scottish Ministers, under the terms of the Ancient Monuments and Archaeological Areas Act 1979. The Chief Executive of Historic Environment Scotland nominates one member of staff to represent HES on SAFAP.

3.7 NFA. The National Fund for Acquisitions (NFA) can on application provide grants towards the purchase of portable antiquities by non-national museums. In any one year such museums can obtain 50 per cent of the *ex gratia* payment for allocated Crown-claimed material, for as long as NFA funds allow.

3.8 Contact details for the above bodies are listed at the end of this Code (**Appendix S**).

3.9 Many other organisations and individuals assist in operating the Treasure Trove system; the role of regional/local museums and Local Authority archaeologists is considered in sections 9, 10 and 11 of this Code.

4. DEFINITIONS

Accessioning The formal process of entering an object into a museum's collection.

Accredited To be eligible to receive allocated portable antiquities a museum must be a Scottish museum accredited under the Accreditation Scheme for museums and galleries in the United Kingdom administered in partnership by the Arts Council England, Museums Galleries Scotland (MGS), Northern Ireland Museums Council and CyMAL. Provisional status may in some cases be sufficient (MGS can provide information on that).

Allocate/Allocation The final stage of the Crown claiming process of the Treasure Trove system is the allocation of a claimed portable antiquity or assemblage to an accredited museum. Delivery of the antiquity or assemblage to the museum (following allocation and payment of the *ex gratia* payment where one is payable) transfers ownership to that museum.

Archaeological context A stratigraphic (a layer or feature within an archaeological site or monument) entity within which it is reasonable to assume found objects are directly related to each other (see assemblage).

Archaeological site An archaeological site consists of a series of linked archaeological contexts, such that it is reasonable to assume that associated items form an assemblage. Delimiting the total extent of an archaeological site, particularly an unexcavated one, is often difficult and TTU and SAFAP will exercise their best judgement (and make use, for example, of cartographic information) to assess whether particular finds are, or are not, a part of an assemblage from a particular site.

Assemblage A general term used for an associated group of portable antiquities. This term is used in a narrow sense to describe a group of finds from a single restricted archaeological context, or in a wider sense to refer to all the finds from a particular archaeological site or (in some cases) from an entire fieldwork project.

Assessing/Assessment The process of determining the significance of a reported portable antiquity or assemblage with regard to claiming.

Bona vacantia A Latin term which is translated as 'ownerless goods'. The Crown has the right to claim *bona vacantia*, including portable antiquities.

Case All Crown-claimed material is allocated a case number by the QLTR. A single case number may cover a single object, a group of objects from the same findspot, or an assemblage from a fieldwork project.

Chance finds Refers to all portable antiquities other than those recovered by organised archaeological fieldwork. All discoveries made by users of metal detectors are regarded as chance finds, other than those made in conjunction with organised archaeological fieldwork. Chance finds are normally objects without an archaeological context.

Claim/claiming These terms refer to the initial procedural step by the Crown through the QLTR to exercise its right in relation to a portable antiquity or assemblage to bring the assemblage or antiquity in to the Treasure Trove system to establish whether an accredited museum wishes to seek allocation of the antiquity or assemblage. Consequently the "claim" or "claiming" is contingent on an accredited museum seeking allocation (and paying any *ex gratia* payment) which is yet to be established at the time of the "claim". If a claimed antiquity or assemblage is not subsequently allocated to a museum after having been put through the Treasure Trove system it is likely that it will be disclaimed.

Collecting policy A museum's policy for future collecting of artefacts, in line with the museum's mission statement. It sets out the ethical and policy framework that the museum works within to develop their collection. Also known as a "Collection Development Policy" or "Acquisitions and Disposals Policy".

The Crown This term refers to the entity entitled at common law to assert its right of ownership of apparently ownerless goods (*bona vacantia*) and is represented in Scotland by the QLTR.

Data Structure Report (DSR) The initial outcome of most archaeological fieldwork interventions is a DSR, which briefly describes the project and its results, and lists the contexts recorded and summarises the site archive (drawings, photographs, finds, etc.).

Disclaim/disclaiming These terms refer to the action whereby:

- the Crown through the QLTR (and delegated to the TTU) chooses not to claim a reported portable antiquity or assemblage (in the case of a chance find a certificate is issued by the TTU to the person, group or organisation reporting the find (see **Appendix E**)), or
- the Crown through the QLTR rejects ownership of a portable antiquity or assemblage previously claimed under the Treasure Trove system.

Ex gratia payment This is an award made at the discretion of the QLTR to the finder(s) of a chance find. The level of the award is normally based on the market value of the find but the award may be adjusted (including to zero) on account of the finder's behaviour or the treatment of the object.

Finder/reporter The assumption is made in this document that the finder(s) and the reporter(s) of a portable antiquity is (are) one and the same, as in practice is the norm. When this is not the case with a chance find, it will normally be the finder, not the reporter, who is eligible for any *ex gratia* payment, for example when a third party such as a museum acts as reporter on behalf of a finder.

Findspot The exact location at which a portable antiquity is discovered.

Hoard (or cache) Two or more items in association which are judged to have been deliberately deposited together.

Local Authority archaeologist Local Authorities either employ archaeological staff directly or have contractual arrangements for the provision of professional archaeological expertise as required. The term Local Authority archaeologist in this Code is used to describe any person acting on behalf of a Local Authority in this way. This term does not normally include Local Authority museum staff.

Local museum/regional museum A museum will normally be considered local when its collecting policy specifies all, or part of, a single Local Authority area, and regional when the collecting policy extends beyond a single Local Authority area. The TTU maintains a library of the collecting policies of all accredited museums in Scotland which are interested in acquiring Crown-claimed items.

Museum of last resort This term describes:

- National Museums Scotland (NMS), and
- any other accredited museum which has advised the TTU that it is interested in accepting allocation of Crown-claimed material which has received no application, where the material in question falls within the museum's collecting policy.

Museum ready Refers to the state of an archaeological assemblage after the post-excavation process is complete in accordance with appropriate practice, any applicable professional standards and any requirements of the planning regime and the assemblage is ready to be transferred to a museum collection for long term curation.

Organised archaeological fieldwork Describes any field project undertaken to recover data according to recognised archaeological standards, whether involving professional archaeologists or not.

Portable antiquity This term in Scotland covers any ownerless item (*bona vacantia*) which is portable, has been humanly manufactured or modified, is of any size, type or material, is not integral to a site or monument, and has been found in Scotland. Normally the human manufacture or modification of the item will have occurred more than 100 years before its discovery.

Reporting The legal requirement under the Treasure Trove system whereby any possible portable antiquities are formally notified to the TTU. (See **Appendices C and N** for standard reporting forms)

Scheduled monument An archaeological site or monument of national importance that Scottish Ministers have given legal protection under the Ancient Monuments and Archaeological Areas Act 1979. The boundaries of scheduled monuments are defined in their legal documentation (which can be downloaded from www.pastmap.org.uk).

Significance This is the criterion used to determine whether a chance find or assemblage should be claimed or disclaimed. Significance is determined by the TTU against the criteria set out in **Appendix D**. A report of an assemblage (see **Appendix N**) should also include the reporter's assessment of its significance in terms of the Guidance in this criteria.

Simplified application This term describes a museum's expression of interest in the allocation of a Crown-claimed item (see **Appendix J**) where a museum has submitted a standing profile.

Standard application This term describes a museum's expression of interest in the allocation of a Crown-claimed item (see **Appendix K**) where a museum has not submitted a standing profile.

Standing profile This term describes information in relation to a museum (see **Appendix I**) submitted in advance of any expression of interest by that museum in the allocation of a Crown-claimed item which with a simplified application will achieve its expression of interest in the allocation of such an item in place of a standard application.

Supporting statement This term describes additional information (see **Appendix L**) which a museum seeking allocation of a Crown-claimed item may submit in the event of multiple applications for allocation being received.

Treasure Trove Under Scots common law the Crown has ownership rights to treasure, in the specific sense of items wholly or partly composed of precious metal (gold and silver). This aspect of the law has given its name to the whole portable antiquities system described here. In practice, however, since the common law Crown rights pertaining to *bona vacantia* are all-embracing, those relating purely to precious metal items are rarely used separately from the general claiming and allocation processes.

Unreported An unreported portable antiquity cannot be owned legally by individuals or institutions.

Valuation The process whereby SAFAP determines for a chance find the *ex gratia* payment to recommend to the QLTR.

Any reference to an organisation or body includes a reference to any successor or replacement organisation or body.

5. THE TREASURE TROVE PROCESS: CHANCE FINDS (Fig.2)

5.1 The process by which chance finds of portable antiquities are dealt with under the Treasure Trove system is summarised in Figure 2. This section expands upon the flow-chart and provides a definitive step-by-step account. The responsibilities of the parties involved and the mechanisms for achieving the steps are considered in subsequent sections of the Code.

5.2 Whenever a chance find of a portable antiquity is made the item or items recovered are required, as soon as possible and in any event within one month of initial discovery, to be reported to the TTU (see **Appendix C**). Delays in reporting a find may affect any *ex gratia* payment.

5.3 Normally it will be necessary for the item to come to the TTU, which will retain it in safe storage until its future is determined. The TTU will liaise with the finder and/or reporter regarding delivery. Reporting may be assisted, where circumstances permit, through a regional/local museum or a Local Authority archaeological service.

5.4 The TTU will assess all received finds of portable antiquities and determine their significance (against the criteria in **Appendix D**), leading either to a recommendation to the QLTR to claim, or to a decision on delegated authority from the QLTR to disclaim. In any case of doubt as to the significance of a find, the TTU will either recommend the find is claimed or refer the matter to SAFAP for consideration.

5.5 If the portable antiquity is disclaimed under paragraph 5.4, it will be returned to the finder (or in some cases the reporter). The TTU will issue a certificate to the finder for each item or group of items disclaimed under paragraph 5.4 (see **Appendix E**).

5.6 If a find is to be recommended for claiming, the TTU may contact the finder to establish further details of the findspot and the circumstances of finding. Withholding information about a find or improper treatment of it may affect any *ex gratia* payment.

5.7 The TTU passes the recommendation to claim a find to the QLTR, who formalises the claim by allocating a case number, and notifies the finder and the TTU that the find has been claimed. At this stage the finder is invited by the QLTR to provide any available evidence relevant to valuation of the claimed item (see **Appendix F**).

5.8 The TTU undertakes further research and consultation on the claimed item, including arriving at a guideline valuation. That guideline valuation will be indicated by the TTU to the museum sector and the finder.

5.9 The TTU advertises the claimed item to the museum sector and invites museums to apply for allocation. A museum's application for allocation is achieved either by (a) a standing profile supplemented by submission of a simplified application or (b) where no standing profile has been submitted by a museum in advance of an application, by submission of a standard application.

Museums will be notified if claimed items require additional conservation before they can be transported.

5.10 Applications should be submitted by the deadline indicated by the TTU. Submission of an application after the deadline may result in an application not being considered. If another museum has made a timeous application for allocation then a late application will not be considered.

5.10A If a museum, having applied for allocation of a claimed item, wishes to withdraw that application it should notify the TTU at least 7 days ahead of the SAFAP meeting.

5.11 If multiple timeous applications are received, these will be exchanged by the TTU between the submitters, who are given the option of submitting a supporting statement (see **Appendix L**) to supplement a museum's application in terms of paragraph 5.9. In the event of any inconsistency between the supporting statement and the museum's application in terms of paragraph 5.9, the terms of the supporting statement will be deemed to prevail.

5.12 SAFAP considers current claimed items at its regular meetings or by electronic means (see paragraphs 18-20 of **Appendix A**). Normally all the claimed items being considered (other than excavation assemblages) will be available for SAFAP to inspect. SAFAP deliberates and arrives at its recommendations to the QLTR for allocations and *ex gratia* payments.

5.13 The TTU alerts the relevant museum to SAFAP's recommendations.

5.14 After SAFAP has considered multiple timeous applications for a claimed item against the criteria in **Appendix M**, the TTU will inform the museums involved of what SAFAP is minded to recommend to the QLTR. It will request confirmation of the museums' agreement or disagreement with this outcome. If there is a disagreement, the case will be deferred for reconsideration at SAFAP's next meeting. Any museum in disagreement will be invited to submit representations, if it wishes, to explain the basis for their disagreement. If such representations are received they will be copied to any other museum which had applied for the item for any comment they might wish to offer on the terms of the representations. Any such representations or comments timeously received will be included, along with the original applications and any supporting statements, in the reconsideration by SAFAP.

5.15 The TTU advises the QLTR of SAFAP's recommendations.

5.16 If for any reason the QLTR decides to reject a SAFAP recommendation, the case is referred back to the next meeting of the Panel for reconsideration (this is rare).

5.17 If the QLTR decides to accept SAFAP's recommendation then the recipient museum is requested by the QLTR to forward the full amount of the *ex gratia* payment. The finder is also advised of the museum allocated the find and the level of the *ex gratia* payment. If the level of the *ex gratia* payment is below the guideline (or the bottom of the guideline if a range was given) indicated to

the finder under paragraph 5.8, the QLTR will also provide an explanation to the finder of the reason for that.

5.18 It is recognised that, in what should be a rare case, a museum may require to undertake major fund raising to be able to fund the *ex gratia* payment. Accordingly, the QLTR may be prepared to allow a museum a period of time to seek funds to meet a significant *ex gratia* payment. Allocation would be subject to that fund raising being successful.

5.19 On receipt of the museum's payment, the QLTR sends the *ex gratia* payment and a certificate to the finder (see **Appendix G**), and notifies the TTU to close the case. The *ex gratia* payment will be sent by electronic means into a bank account advised by the finder. If the finder fails to provide bank account details within a reasonable period of the request to do so, no *ex gratia* payment will be made and any payment to fund the *ex gratia* payment from a museum will be returned to the museum.

5.20 The recipient museum collects the find from the TTU and accessions it into its collection.

5.21 The process from initial reporting to allocation to a museum and completion of any *ex gratia* payment to a finder will normally be completed within 12 months.

5.22 If for any reason no museum has expressed interest in acquiring a claimed item, the QLTR may, on SAFAP's recommendation, disclaim the find and it will be returned to the finder.

<p>Recipient museum requested by QLTR to forward the <i>ex gratia</i> payment</p> <p>↓</p> <p>Recipient museum applies to NFA for grant aid then sends cheque to QLTR</p> <p>↓</p> <p>QLTR sends <i>ex gratia</i> reward payment and certificate to the finder</p> <p>↓</p> <p>Recipient museum collects the portable antiquity from the TTU and registers as part of its collection</p>	
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Abbreviations

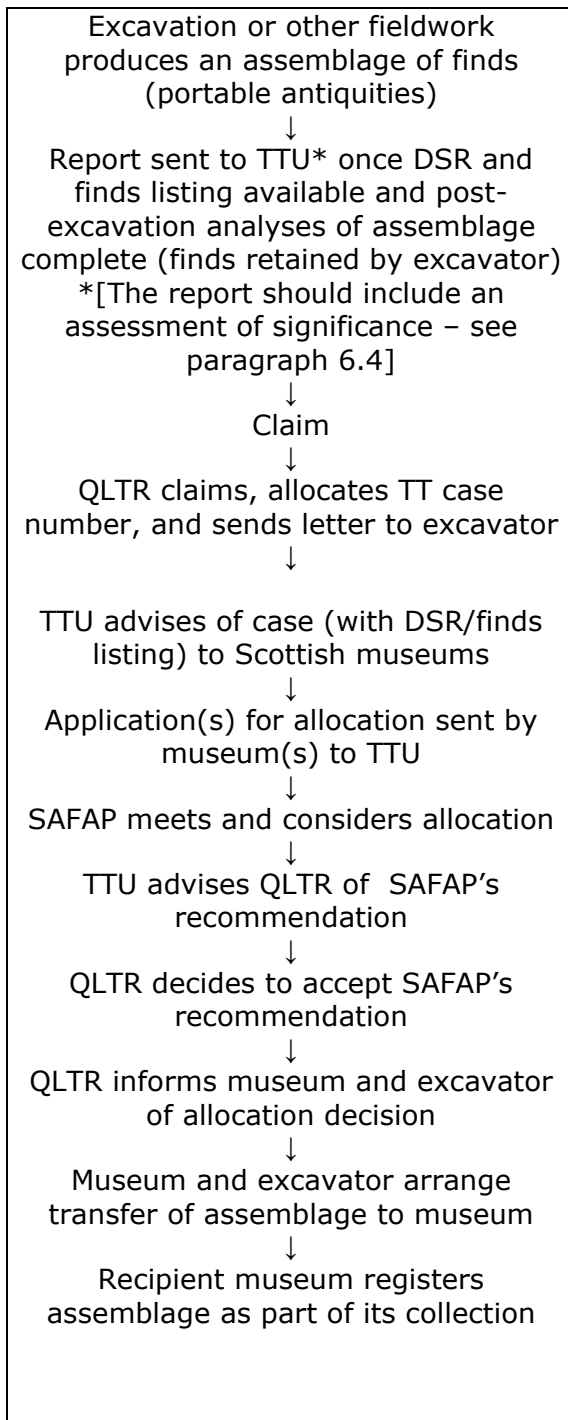
TTU: Treasure Trove Unit

QLTR: Queen's & Lord Treasurer's Remembrancer

SAFAP: Scottish Archaeological Finds Allocation Panel

NFA: National Fund for Acquisitions

Fig.3. Treasure Trove process flow-chart: claimed assemblages from organised archaeological fieldwork



Abbreviations

TTU: Treasure Trove Unit

QLTR: Queen's & Lord Treasurer's Remembrancer

SAFAP: Scottish Archaeological Finds Allocation Panel

DSR: Data Structure Report

Note: if an assemblage is not considered suitable for claiming the TTU has delegated authority from the QLTR to disclaim the assemblage

6. THE TREASURE TROVE PROCESS: FIELDWORK ASSEMBLAGES (Fig.3)

6.1 The process by which portable antiquities from organised archaeological fieldwork in Scotland, which have been claimed, are dealt with under the Treasure Trove system is summarised in Figure 3. This section expands upon the flow-chart for portable antiquities from organised archaeological fieldwork in Scotland and provides a definitive step-by-step account. The responsibilities of the parties involved and the mechanisms for achieving the steps are considered in subsequent sections of the Code. No *ex gratia* payments are made for portable antiquities from organised archaeological fieldwork in Scotland.

6.2 Assemblages, normally when museum ready, are reported by the excavator directly to the TTU. The assemblages themselves remain with the excavators until allocation, but Data Structure Reports (or equivalent), including a finds listing, must be sent to the TTU.

6.3 [Paragraph now omitted]

6.4 Assemblages should be reported using the form in **Appendix N**. An assessment of significance should be included in that report as this will assist the TTU to assess the assemblage in terms of paragraph 6.5. Guidance to inform that assessment is set out in **Appendix D**.

6.5 The TTU will assess all reported assemblages and determine their significance (against the criteria in **Appendix D**), leading either to a recommendation to the QLTR to claim the assemblage, or to a decision on delegated authority from the QLTR to disclaim it. In any case of doubt as to the significance of an assemblage, the TTU will either recommend the assemblage is claimed or seek opinions from NMS curators or other experts or refer the matter to SAFAP for consideration. An assemblage will not be split by the TTU through the exercise of its delegated authority to disclaim material.

6.6 For a reported assemblage which TTU recommend be claimed which relates to a linear project (such as a road scheme or new pipeline), finds from different periods or excavation in different locations or local authority areas, TTU will consider whether to break down what has been reported into separate assemblages for the purposes of the Treasure Trove system according to findspots, local authority areas or the periods of the material. TTU will seek guidance from SAFAP as to how any such reported assemblage is to be treated, if necessary.

6.7 The QLTR formalises the claim by allocating a case number, and notifies the excavator and the TTU that the assemblage has been claimed.

6.8 The TTU advertises the claimed assemblage to the museum sector and invites museums to apply for allocation. A museum's application for allocation is achieved either by (a) a standing profile supplemented by submission of a simplified application or (b) where no standing profile has been submitted by a museum in advance of an application, by submission of a standard application.

6.9 The TTU provides a copy of the Data Structure Report (or equivalent), including a finds listing, to museums.

6.10 Applications should be submitted by the deadline indicated by the TTU. Submission of an application after the deadline may result in an application not being considered. If another museum has made a timeous application for allocation then a late application will not be considered.

6.10A If a museum, having applied for allocation of a claimed assemblage, wishes to withdraw that application it should notify the TTU at least 7 days ahead of the SAFAP meeting.

6.11 If multiple timeous applications are received, these will be exchanged by the TTU between the submitters, who are given the option of submitting a supporting statement (see **Appendix L**) to supplement a museum's application in terms of paragraph 6.8. In the event of any inconsistency between the supporting statement and the museum's application in terms of paragraph 6.8, the terms of the supporting statement will be deemed to prevail.

6.12 SAFAP considers current claimed assemblages at its regular meetings or by electronic means (see paragraphs 18-20 of **Appendix A**). SAFAP deliberates and arrives at its recommendations to the QLTR for allocation.

6.13 The TTU alerts the relevant museum to SAFAP's recommendation.

6.14 After SAFAP has considered multiple timeous applications for a claimed assemblage against the criteria in **Appendix M**, the TTU will inform the museums involved of what SAFAP is minded to recommend to the QLTR. It will request confirmation of the museum's agreement or disagreement with this outcome. If there is a disagreement, the case will be deferred for reconsideration at SAFAP's next meeting. Any museum in disagreement will be invited to submit representations, if it wishes, to explain the basis for their disagreement. If such representations are received they will be copied to any other museum which had applied for the assemblage for any comment they might wish to offer on the terms of the representations. Any such representations or comments timeously received will be included, along with the original applications and any supporting statements, in the reconsideration by SAFAP.

6.15 The TTU advises the QLTR of SAFAP's recommendations.

6.16 If for any reason the QLTR decides to reject a SAFAP recommendation, the case is referred back to the next meeting of the Panel for reconsideration (this is rare).

6.17 If the QLTR decides to accept a SAFAP recommendation then the excavator and the recipient museum are notified by the QLTR, who also alerts the TTU to this decision.

6.18 The recipient museum arranges with the excavator for receipt of the assemblage and accessions it into its collection.

6.19 If for any reason no museum has expressed interest in acquiring a claimed assemblage, the QLTR may, on SAFAP's recommendation, disclaim the assemblage and it will remain with the excavator . Responsibility for the retention or disposal of disclaimed assemblages (or any assemblages which the Crown has chosen not to claim) rests with the excavator, who should retain relevant documentation.

6.20 When writing to advise the disclaim of the material, a list of the institutions, organisations or groups who have expressed an interest in taking disclaimed material for teaching or other purposes will be included in case of assistance to the excavator. If any institution, organisation or group is interested in such material and wish to be added to the list they should contact the TTU.

7. THE ROLE OF THE FINDER: CHANCE FINDS

7.1 The finder has the most important role to play in the Treasure Trove process, since only if chance finds are observed and reported can they be acquired and preserved by museums, and thus contribute fully to public understanding and enjoyment of Scotland's past.

7.2 Finders are required, as soon as possible and in any event within one month of its initial discovery, to report anything believed to be a portable antiquity (see section 2.5 above for the legal position). This can be done by reporting directly to the TTU or by taking the object to a regional or local museum or to a Local Authority archaeologist. Advice on reporting can be obtained from the TTU by phone, letter, or email or from the website, from which a standard reporting form is available to download (see **Appendix C**). A delay in the reporting of portable antiquities may have a negative impact on any potential *ex gratia* payment.

7.3 The QLTR recognises however that finds may not have been reported within the timescales in paragraph 7.2 due to a person being unaware of the Treasure Trove processes and the underlying law and SAFAP and the QLTR will consider the *ex gratia* payment sympathetically where that situation arises for a report of a find where an appropriate explanation is provided.

7.4 The reporting form asks whether the finder wishes to seek acknowledgement in the labelling of any display of the find by any museum allocated the find. If so, the QLTR requires the finder's consent to release their details to any museum allocated the find. If a finder agrees to that on the standard reporting form, the TTU will advise the QLTR Office and those details will be intimated by the QLTR Office to the museum allocated the find. It would be for that museum to take this forward with the finder in the event the museum will provide acknowledgement of the finder in the labelling.

7.5 Participants in metal-detecting rallies or similar events have an individual responsibility to report their finds, and organisers of such rallies and events should remind participants of this fact. Metal-detector users must not work on a scheduled monument without prior permission from Scottish Ministers.

7.6 The finder should provide as accurate a location as possible for the findspot. If possible please provide a grid reference (if possible to 8 or 10 figures). The TTU may send the finder a copy extract of the relevant map so that the position can be marked. Further details of the circumstances of finding may be required. Wilful misreporting of a findspot or the circumstances of finding may result in the *ex gratia* payment being reduced or not being payable at all.

7.7 The finder must take care not to damage a portable antiquity in any way. Objects must not be improperly cleaned, repaired, or marked. Items of wood, leather, fabric, or other organic material should be kept in the condition in which they are found (e.g. if wet keep wet). Advice on the treatment of finds can be obtained from the TTU. Damage to a portable antiquity in the care of the finder may result in a reduced *ex gratia* payment.

7.8 Sometimes it will be in the best interests of a portable antiquity to leave it where it has been found for investigation by an archaeologist. For example, removing organic items from peat can easily damage them and disturbing an object which is part of a hoard can destroy valuable information. Such discoveries should be notified immediately to the TTU, to a Local Authority archaeologist, to Historic Environment Scotland, or to a museum. Such notification will in no way prejudice the reporter's position as the original finder for Treasure Trove purposes; indeed, such responsible actions are likely to be reflected favourably in SAFAP's consideration of *ex gratia* payments. Finders should also be aware that a portable antiquity may form part of a wider artefact scatter and therefore should note if any other objects are found to be in close proximity.

7.9 The discovery of portable antiquities with human remains requires a different course of action. The human remains and associated artefacts should not be disturbed and must immediately be reported to the police (or local Procurator Fiscal's office) and to Historic Environment Scotland.

7.10 Whilst **Appendix H** lists some of the most commonly claimed categories of portable antiquities it is not an exhaustive list and if in doubt it is best for finders to err on the side of caution and report any object they think may be relevant.

7.11 Most portable antiquities must come to the TTU for assessment. The TTU can advise on how this should be accomplished. Items which are claimed through the Treasure Trove process will be retained by the TTU pending allocation to a museum.

7.12 When a portable antiquity is claimed, the finder receives a letter to that effect from the QLTR. This letter advises the finder that the QLTR will consider an ex-gratia payment to the finder and invites the finder to communicate any information relevant to the assessment of the payment to the TTU (**Appendix F**). The finder also has the opportunity at this stage to waive all or part of any possible ex gratia payment, (thereby benefiting any museum which acquires the find) or to indicate circumstances in which they might do so.

7.13 Once a decision has been taken over the valuation and allocation of a claimed portable antiquity, the finder will receive from the QLTR a letter setting out the sum determined as the *ex gratia* payment, the museum to which the allocation will be made, and the offer of a finder's certificate. The QLTR's decisions are final.

7.14 In the case of a find receiving multiple applications for allocation, the TTU will ask the finder whether they wish to express any preference regarding allocation which would then be considered along with the other criteria in accordance with **Appendix M**.

7.15 If more than one person is involved in the recovery of the material, the QLTR would always encourage those involved to appropriately record, **in advance of any find**, any understanding that may have been reached as to who are to be treated as the finder(s) for the purposes of the Treasure Trove system (and so be credited as the finders and receive any *ex gratia* payment),

and how any *ex gratia* payment is to be shared if there is more than one finder, so that appropriate evidence can be provided if a dispute subsequently arises. If there is more than one finder in respect of any reported Treasure Trove all finders will in any event be expected to confirm to the TTU how the *ex gratia* payment should be split between them.

7.15A Where those who were involved in the recovery of a find are in dispute, the QLTR does not consider it reasonable to expect her to form a view as to who are to be treated as the finders for the purposes of the Treasure Trove system, nor how any *ex gratia* payment is to be shared if there is more than one finder. In the event of any dispute as to those matters then the finder(s) will be expected to provide clear uncontested evidence to confirm the terms of an agreement which was entered into, or in the absence of that for all concerned to confirm in writing to the TTU the terms they have agreed between them as to the matters which were under dispute. Failing that this may risk no *ex gratia* payment being paid (and in that event any funds to make a payment which have been received from the museum would be returned to the museum) or the QLTR may consider it appropriate to involve the courts to determine who, if anyone, should be paid, or share in, the the funds for an *ex gratia* payment (this process is known as an action of multiplepinding). The QLTR can be expected to seek her expenses in connection with any such action. The TTU or QLTR would communicate with those involved in the dispute before either of those steps was taken.

7.16 If after a report of a chance find contact is lost with a finder, the QLTR will retain the *ex gratia* payment for 10 years against further contact by the finder or their legal representatives failing which the award will be retained by the Crown as the property of a missing owner.

7.17 A portable antiquity which is returned to a finder after assessment is accompanied by a certificate (**Appendix E**). We strongly recommend that finders retain this certificate for as long as they retain the object, and pass it on with the object if it is given away or otherwise disposed of.

7.18 If there is a dispute as to whom a find should be returned following a disclaim of the Crown interest the QLTR will expect those involved to amicably resolve the matter by agreement between themselves and communicate the agreed outcome to the TTU. In the absence of agreement, the QLTR may consider it appropriate to involve the courts to resolve the matter (by way of an action of multiplepinding). The QLTR can be expected to seek her expenses in connection with any such action. The TTU or QLTR would communicate with those involved in that dispute before raising such an action.

8. THE ROLE OF THE FINDER: EXCAVATION ASSEMBLAGES FROM ORGANISED ARCHAEOLOGICAL FIELDWORK

8.1 For the purposes of the Treasure Trove system the finder of portable antiquities from an excavation or other fieldwork project is: a) the project director; or b) the organisation which employs the director. Finders in this category are never eligible for any *ex gratia* payment and there is no valuation process for assemblages from organised archaeological fieldwork. The procedures listed below have replaced those previously used by Historic Scotland's Finds Disposal Panel, which was disestablished in April 2005.

8.2 The finder is responsible for the security and stable conservation of the assemblage throughout the time which elapses between the field phase of a project, the post-excavation analyses, and the reporting and deposition. Assemblages held in this way are unallocated Treasure Trove and belong to the Crown. Finders are not authorised to lend or otherwise hand over excavated finds directly to a museum.

8.3 Where a significant find from an excavation has been made, it would be appreciated if the TTU could be approached in advance of any media coverage being sought. This reflects the discovery is Crown property and will help the TTU and QLTR to respond to any approaches they may then receive when the discovery triggers media or other approaches to them in advance of the report of the assemblage.

8.4 The finder may not remove from Scotland any of the portable antiquities originally found in Scotland, unless the appropriate loan form (obtainable from the TTU; see **Appendix P**) is authorised by the QLTR. The finder remains responsible for the security and integrity of the assemblage throughout the loan and must ensure the assemblage is returned to Scotland at the due date at her/his own expense. Insurance in acceptable terms will also normally require to have been provided before the loan. The QLTR may be prepared to accept an indemnity where the value of the objects together is less than £120 and subject to the terms being acceptable. These matters should be discussed with the TTU.

8.5 Once the post-excavation process has reached the point at which an assemblage is museum ready or within a maximum of five years of the completion of fieldwork the finder must report it.

8.6 In accordance with good practice and relevant standards it is expected that when an assemblage is reported it will be museum ready. If any matters regarding the condition of a reported assemblage come to the TTU's notice, the TTU will draw those to the attention of the museum sector but it will be for museums to make their own decision on whether to apply for allocation of the assemblage.

8.7 The assemblage must be reported to the TTU using the standard form for this purpose available from the TT website (see **Appendix N**). The finder retains the actual assemblage in safe keeping until the QLTR's decision on allocation is announced.

8.8 [Paragraph now omitted]

8.9 In either case, the report should include an assessment of significance of the assemblage in terms of the guidance in **Appendix D**.

8.10 Finders must provide (in a digital format) the TTU with the Data Structure Report or equivalent, including a finds listing, at the time the assemblage is reported.

8.11 Finders will be informed by letter from the QLTR that their assemblage has been claimed and to which museum it has been allocated. If an assemblage is not claimed, finders will be informed by the TTU that the Crown has disclaimed the assemblage.

8.12 Following receipt of the QLTR's letter indicating allocation, finders are responsible for arranging delivery of the assemblage to the allocated museum.

8.13 In the event that no museum wishes to acquire a particular claimed fieldwork assemblage, the QLTR may, on SAFAP's recommendation, disclaim the assemblage and if so the QLTR will communicate with the finder to that effect.

9. THE ROLE OF MUSEUMS

9.1 Museums have a vital part to play as they are the ultimate custodians, on behalf of the public, of all portable antiquities claimed through the Treasure Trove system. It is the museums which make this precious evidence of Scotland's past accessible through exhibition, on-line and through their support for education and research.

9.2 All portable antiquities acquired by museums since 31 December 1999 must have the status of either being claimed, unclaimed (under the 2008 Code of Practice) or disclaimed by the Crown (**see Appendix Q**).

9.3 Where a museum is reporting a chance find previously lodged with them by a finder but which had not been formally registered/accessioned by the museum by 31 December 1999, it is the responsibility of the museum to undertake reasonable investigations to seek to trace the finder or their successors or legal representatives. That reflects that if a museum had reported the find when it was passed to them by the finder, contact would not have been lost with the finder as this is relevant to the payment of any *ex gratia* payment.

9.4 Museums must monitor the advertised lists of claimed items and send completed application forms for acquisition to the TTU before the closing submission date. To save a museum the need to complete a standard application each time a museum expresses interest in the allocation of a Crown-claimed item, a museum may submit a standing profile (see **Appendix I**) to the TTU in advance of applying for allocation of an item. Where it has done so, it then applies for allocation of a Crown-claimed item by submitting a simplified application (see **Appendix J**) to the TTU.

9.5 A museum which has submitted a standing profile should adjust its terms if appropriate – for example if it has changed its collecting policy – by submitting a new standing profile to the TTU.

9.6 Where a museum has not submitted a standing profile, it applies for allocation of a Crown-claimed item by submitting a standard application (see **Appendix K**) to the TTU.

9.7 Museum involvement can begin at a much earlier stage, such as when an object is brought in for identification. In this case museum staff should contact the TTU to discuss whether the object should be reported as potential Treasure Trove.

9.8 In such cases museum staff should where possible assist the finder to report her/his find to the TTU. They should be able to outline the Treasure Trove system (see **Appendix R** for a suitable information sheet to give enquirers), and it may be possible for them to retain the object, issue a receipt, and forward the object to the TTU themselves.

9.9 Only Scottish museums accredited under the Accreditation Scheme administered in partnership by the Arts Council England, Museums Galleries Scotland (MGS), Northern Ireland Museums Council and CyMAL are eligible to

apply for Crown claimed material. Provisional status may in some cases be sufficient (MGS can provide information on this issue).

9.10 Museums may normally only apply for Crown-claimed items which fall within the remit of their own collecting policies. This requires every museum to ensure that a copy of its current collecting policy is lodged with the TTU.

9.11 When compiling an application, museums should have regard to the criteria for allocation as defined elsewhere in this Code (**Appendix M**).

9.12 In applying for Crown-claimed items museums ought to have a reasonable expectation of being able to meet the *ex gratia* payment where applicable, bearing in mind the assistance available from the National Fund for Acquisitions. If external funding will be required, the museum should identify the sources of funding it intends to approach and the timetable for the funding to be received. It is recognised that, in what should be a rare case, a museum may require to undertake major fund raising to be able to fund the *ex gratia* payment. Accordingly, the QLTR may be prepared to allow a museum a period of time to seek funds to meet a significant *ex gratia* payment. Allocation would be subject to that fund raising being successful.

9.13 SAFAP encourages collaborative solutions between museums including the development of memoranda of understanding between museums with overlapping collecting policies in order to reduce the number of competitive applications and to facilitate the loan of objects to one museum even if allocation is made to another. A joint application for allocation by museums will also be considered.

9.14 If competing applications are submitted, the TTU and SAFAP will follow the procedures outlined above (paragraphs 5.11 and 5.14 or 6.11 and 6.14, as the case may be) and the QLTR will determine the allocation.

9.15 Where no applications are received from museums for a claimed item, SAFAP may give each museum of last resort the option of accepting allocation (see section 10 of this Code).

9.16 Where an *ex gratia* payment is due to a finder, the QLTR will direct the allocated museum to pay the appropriate amount to the QLTR Office. The funds should be sent to the QLTR as soon as possible and in any event within 8 weeks of the request for payment. Only once the payment has been received by the QLTR will the TTU be authorised to release the find to the allocated museum.

9.17 The QLTR can only arrange to transmit payment of the award to the finder once she has received funds to do so from the museum being allocated the find. In the event of a delay in funds being provided by a museum the QLTR may seek fresh applications for allocation from all museums so the museum delaying payment may lose the chance to obtain allocation of the object or alternatively the QLTR might disclaim the object and return it to the finder. The QLTR would write to the museum to warn them that this might happen before taking either of those steps.

9.18 Museums may wish to access claimed but unallocated items for display. This is possible by means of a loan arrangement authorised by the QLTR, for which a form is available to download from the TT website (see **Appendix O**). Insurance in acceptable terms will normally require to have been provided before the loan. The QLTR may be prepared to accept an indemnity where the value of the objects together is less than £120 and subject to the terms being acceptable. These matters should be discussed with the TTU.

9.19 Delivery to a museum of Crown-claimed items (following allocation and payment of any *ex gratia* payment) transfers ownership from the Crown to the museum.

9.20 As part of a museum's commitment in applying for allocation of Crown-claimed items through the Treasure Trove system, it is encouraged that the display of allocated material will have a short attribution to that system. That might take the form of "Acquired through Treasure Trove, [YEAR]". Flexibility would apply where the attribution applied to numerous objects in a display case where it would be excessive to label each individual item in that way.

9.21 Finders of chance finds also play a key role – without a find there would be no artefact available to the museum. Acknowledgement of the finder in the labelling of a display would therefore bring welcome recognition to their role and may encourage dialogue between finders and curators. It is recognised that any such arrangement could only be voluntary, requiring the agreement of the finder and the museum. Where the finder has indicated on the standard reporting form (see **Appendix C**) that they would like such acknowledgement, the QLTR will inform the museum allocated the item of that and of the finder's contact details. It would be for the museum then to take such acknowledgement forward with the finder in the event the museum will provide acknowledgement of the finder in the labelling. If the museum is not prepared to acknowledge the finder, as a matter of courtesy to a finder whose contact details have been provided to the museum, the museum should explain its position to the finder within a reasonable period of being advised of allocation.

10. THE ROLE OF MUSEUMS OF LAST RESORT

10.1 Where no applications are received from museums for a claimed item, SAFAP may give each relevant museum of last resort the option of accepting allocation.

10.2 A museum of last resort will only be offered that opportunity in respect of an item falling within its collecting policy.

10.3 The museum of last resort will be responsible for funding the *ex gratia* payment for any chance find. The TTU will advise the *ex gratia* payment recommended by SAFAP (or the guideline valuation if prior to that) in respect of the find when the option of seeking allocation is offered.

10.4 In the event of more than one museum of last resort seeking allocation of a Crown-claimed item in terms of this section, the competing museums of last resort will be invited to discuss the matter between them to see if they can resolve the matter.

10.5 If the matter is not resolved in terms of paragraph 10.4, the competing museums of last resort will be invited to submit a supporting statement (see **Appendix L**) and SAFAP will consider its recommendation to the QLTR against the criteria in **Appendix M**.

10.6 The other terms of this Code apply to material allocated to a museum of last resort as they apply to material allocated following an application for allocation.

10.7 Any museum which would wish to be considered as a museum of last resort should advise the TTU together with confirmation of the geographic area to which the museum's collecting policy relates.

11. THE ROLE OF THE LOCAL AUTHORITY ARCHAEOLOGIST

11.1 Local Authority archaeologists ought to be familiar with the Treasure Trove system and must make reference to it when making provision for organised archaeological fieldwork to be undertaken through the planning system.

11.2 All permissions for organised archaeological fieldwork approved by a Local Authority should state clearly that any finds recovered must be reported for Treasure Trove purposes to the TTU.

11.3 If a chance find is notified to a Local Authority archaeologist they should contact the TTU to discuss whether the object should be reported as potential Treasure Trove.

11.4 In such cases the Local Authority archaeologist should where possible assist the finder to report her/his find to the TTU. She/he should be able to outline the Treasure Trove system (see **Appendix R** for a suitable information sheet to give enquirers) and it may be possible for a Local Authority archaeologist to retain the object, issue a receipt, and forward the object to the TTU.

11.5 If a chance find is notified which remains *in situ* a Local Authority archaeologist should arrange for its immediate protection and organise appropriate specialist recovery, if necessary in liaison with other bodies such as Historic Environment Scotland, National Museums Scotland and/or a regional/local museum.

11.6 Local Authority archaeologists may be able to advise when an assemblage is museum ready.

12. THE ROLE OF OTHER INTERESTED PARTIES

12.1 This section notes particular matters in which the interest of other parties might arise in terms of this Code, beyond the wider benefit of public and other access to the precious evidence of Scotland's past following the allocation of portable antiquities to museums through the Treasure Trove system.

12.2 Disclaimed material from an assemblage falls to be disposed of by the excavator. SAFAP and the QLTR recognise however that it may help the excavator to know of other potential interest in receiving such material for teaching or other purposes and a list of the institutions, organisations or groups who have expressed an interest in taking such material is therefore provided with notification of the disclaim. Other purposes to which that material might be put might include community activities and access without any commitment to long term care by a local museum service.

12.3 Any institution, organisation or group which is interested in material from an assemblage which has been disclaimed and wishes to be added to the list of possible recipients of such material which is intimated to excavators pursuant to paragraph 6.20, should contact the TTU with their contact details and an explanation of the purpose to which the material would be put.

12.4 The decision on whether to pursue any such interest, and if so which, and on what terms, is entirely a matter for the excavator and the QLTR, SAFAP and the TTU have no locus in that connection.

12.5 An institution, organisation or group may wish to access claimed but unallocated items for display. This may be possible by means of a loan arrangement authorised by the QLTR, for which a form is available to download from the TT website (see **Appendix O**). Insurance in acceptable terms will normally require to have been provided before the loan. The QLTR may be prepared to accept an indemnity where the value of the objects together is less than £120 and subject to the terms being acceptable. These matters should be discussed with the TTU.

13. THE ROLE OF THE TREASURE TROVE UNIT

13.1 The overall functions of the TTU are listed at **Appendix B**. The TTU support the QLTR and undertake the day-to-day operation of the Treasure Trove system. They are available to provide advice and expert guidance regarding the Treasure Trove system. By undertaking outreach they also seek to raise awareness of Treasure Trove and the procedures which should be followed.

13.2 This section clarifies some of the specific procedures of the TTU in relation to claiming, identifying the reported portable antiquities not considered suitable for claiming, and valuation within the Treasure Trove system.

13.3 The TTU assesses the significance of all reported chance finds and assemblages to determine their suitability for claiming. If necessary, opinions are obtained from NMS curators or from other experts. The matter may also be referred to SAFAP for consideration.

13.4 Portable antiquities are treated on a case-by-case basis, normally in the chronological order in which they are reported to the TTU.

13.5 The TTU will recommend to the QLTR which chance finds and assemblages should be claimed.

13.6 If any chance find or assemblage is considered unsuitable for claiming, the TTU has delegated authority from the QLTR to disclaim. In the case of a chance find the TTU will then return the item, as quickly as possible, and issue a certificate (see **Appendix E**) to the finder.

13.7 The TTU undertakes research to assist SAFAP in determining the *ex gratia* payment to recommend to the QLTR. Sources of data on portable antiquities values elsewhere in the UK are monitored by the TTU and in some instances the opinions of outside experts are sought. Information gathered by the TTU, along with any representations made by the finder, is presented to SAFAP in advance of each meeting. The guideline valuation forming part of that advice to SAFAP for a chance find will also be indicated by the TTU to the museum sector and the finder for their information.

14. THE ROLE OF SAFAP

14.1 The terms of reference for SAFAP are listed at **Appendix A**.

14.2 This section clarifies specific procedures of SAFAP practice in relation to claimed items.

14.3 Where there is a single application for a claimed item, once SAFAP is satisfied that the applicant is eligible to apply, the recommendation to allocate is normally made without further discussion.

14.4 When considering a case for which there are multiple applications, SAFAP assesses the latter against the criteria for allocation (see **Appendix M**) and determines a provisional view, which is communicated to the applicant museums by the TTU. Should an applicant museum disagree with SAFAP's view, then the procedure in paragraph 5.14 or 6.14, as the case may be, applies.

14.5 In cases where there is no application for a claimed item, and where a museum of last resort has indicated a willingness to accept allocation, SAFAP will give consideration to the matter (see section 10 of this Code).

14.6 SAFAP has the option to recommend to the QLTR the disclaiming of any items previously claimed.

14.7 SAFAP may defer a recommendation on allocation or *ex gratia* payment for any case if it requires further information.

14.8 The sum recommended to the QLTR for an *ex gratia* payment for any claimed item is that which has been considered and agreed by SAFAP.

15. THE ROLE OF THE QLTR

15.1 The QLTR is responsible for the operation of the Treasure Trove system and institutes any legal procedures necessary.

15.2 The QLTR takes all final decisions on the claiming (and disclaiming), valuation and allocation of portable antiquities, bearing in mind the recommendations of the TTU and SAFAP.

15.3 All formal notifications concerning claimed (and disclaimed) items, allocation, and *ex gratia* payments are issued from the QLTR Office, as are the certificates awarded to finders of claimed items (see **Appendix G**). The TTU will provide the QLTR Office with the excavator's site code (if provided) for an assemblage and the QLTR Office will include that code as part of the description of the find in correspondence with the contracting archaeological unit regarding the assemblage.

15.4 The financial arrangements for claimed items involving museum payments and finders' *ex gratia* payments are undertaken by the QLTR Office. A museum must first provide payment before the QLTR Office can issue an *ex gratia* payment to the relevant finder.

15.5 After cases involving multiple applications have been determined the QLTR Office will notify unsuccessful applicants of the outcome as well as the successful applicant.

15.6 The QLTR convenes an annual meeting with SAFAP and the TTU (see paragraph 17 **Appendix A**).

15.7 The QLTR is required to report annually to the Scottish Ministers on the operation of the Treasure Trove system. This report comprises a list of all claimed cases considered by SAFAP during the period under report. It may also include further information and analysis about the working of the Treasure Trove system and the activities of the bodies involved.

Appendix A: Scottish Archaeological Finds Allocation Panel (SAFAP) – terms of reference

SCOTTISH ARCHAEOLOGICAL FINDS ALLOCATION PANEL

TERMS OF REFERENCE

Status

1. The Panel is a non-statutory advisory committee established to assist the Queen's and Lord Treasurer's Remembrancer (QLTR) in discharging her functions in relation to portable antiquities. Scottish Ministers appoint the Panel and provide resources in order to allow the Panel to carry out its remit.
2. The Panel is supported in its work by a secretariat (i.e. the Treasure Trove Unit). The secretariat is hosted by National Museums Scotland (NMS).

Membership

3. The Panel comprises a Chair and seven members.
4. The Chair and four Panel members are appointed for a fixed term (renewable) by the Scottish Ministers. The Scottish Ministers will be responsible for the process to appoint the Chair and one of those members as a lay member of the Panel. The other three such members of the Panel will be recruited to bring relevant expertise to the Panel through a process delegated by the Scottish Ministers to the Chair (or another member of the Panel nominated by the Scottish Ministers if the Chair is unable to act). That process (for original appointment but not renewal) will continue to involve application and interview before an interview panel and administrative support will be provided by Scottish Government officials. The Scottish Ministers would be invited to approve the Chair's (or the nominee's) recommendation for appointments and it is the Scottish Ministers who would then formally make those appointments.
5. The other three Panel members are ex officio members, one from each of NMS, Museums Galleries Scotland (MGS) and Historic Environment Scotland (HES). The ex officio member from NMS will be nominated by the director of NMS, the ex officio member from MGS will be nominated by the CEO of MGS and the ex officio member from HES will be nominated by the Chief Executive of HES. References to NMS, MGS and HES include a reference to any successor body and to a director, CEO or Chief Executive include any post performing an equivalent role.
6. The Panel will be quorate at a meeting when two members and the Chair are present, and at least one of those present is a ministerial appointment. Attendance at a meeting will also be deemed to be achieved by participation through telecommunication. The Chair may nominate another Panel member to act in her/his stead at a Panel meeting (or other occasion when he/she would be representing the Panel), which she/he is unable to attend. Failing

such nomination, a Panel meeting which the Chair is unable to attend will be Chaired by another Panel member nominated by the QLTR.

7. Members of the secretariat attend Panel meetings to provide information as required by the Chair and to record the Panel business.

8. The QLTR is entitled to attend Panel meetings and members of the QLTR staff may attend Panel meetings with the agreement of the Chair.

9. Other individuals may on occasion be invited to attend Panel meetings at the discretion of the Chair.

Remit

10. The Panel's role is to advise the QLTR on valuations and allocations of portable antiquities claimed by the Crown. In carrying out its valuation and allocation work in relation to portable antiquities the Panel is to apply the criteria and follow the procedures set out in the Code of Practice. When considering the valuation and allocation of any claimed item, the Panel may recommend disclaiming to the QLTR.

11. The Panel will respond to requests from the QLTR for advice, comment or action.

12. The Panel will respond to requests from Scottish Ministers.

13. The Chair will liaise with other relevant bodies at his/her discretion.

14. The Panel will, as required by the QLTR, assist in the definition and dissemination of good practice in relation to Scottish portable antiquities and will assist the QLTR in the production of an annual report on the work of the Panel.

Meetings

15. The Panel will normally meet three times a year. Additional meetings may be held if required by the Chair. The Chair has the power to deal with items of business other than at Panel meetings, in urgent and exceptional cases.

16. Budget permitting, SAFAP will aim to hold one of its meetings each year outwith Edinburgh and to devise opportunities to use this as an opportunity to meet with stakeholders.

17. In addition to its normal meetings, the Panel and its secretariat will meet annually with the QLTR to review the year's business and discuss items of mutual concern.

Electronic communications

18. To expedite disposal of business, the Panel may consider the following matters by electronic means (such as email) between Panel meetings rather than at a meeting:

- its recommendation to the QLTR on the disclaimer of any chance find or assemblage where no museum has expressed interest in acquiring the material
- its recommendation to the QLTR on the allocation of an assemblage to a museum where only one museum has applied for allocation, and
- subject to paragraph 19 of this Appendix, such other matters as the Panel may agree.

19. The following will not be considered by the Panel by electronic means between Panel meetings:

- the *ex gratia* payment for a chance find, and
- multiple applications for allocation of a chance find or assemblage other than where the arrangements to seek a museum of last resort arise.

20. The arrangements at paragraph 6 of this Appendix to establish when the Panel is quorate will apply for the purposes of electronic communications subject to the modification that the Chair (or nominee) or Panel member shall be deemed to have been present when they have communicated by whatever electronic means are being used in relation to a particular matter.

Appendix B: Functions of the Treasure Trove Unit (TTU)

The TTU manages and delivers the TT system in Scotland and current functions include:

- to provide specialist services by identifying and assessing which archaeological and historical objects which have been reported are appropriate for claiming or disclaiming as TT
- to provide a front-line service for public, professional and other enquiries relating to TT in Scotland
- to promote awareness of the TT system in Scotland through publications, lectures and participation in public events
- attendance at a metal detecting rally where resources and availability permit – it would be appreciated if at least 4 weeks prior warning of any such event could be given to the TTU
- to register and curate all TT objects submitted to the TTU
- to provide Scottish museums with information on TT cases and offer advice on aspects of conservation, interpretation and display
- to monitor compliance by finders, museums, archaeology units and other bodies with TT law, timescales and deadlines to ensure the effective operation of the system
- to undertake all case-work associated with claimed and disclaimed objects from initial receipt to final transfer
- to organise, where appropriate, the scientific analysis of TT objects, other than those from organised archaeological fieldwork
- to organise, where appropriate, the conservation of TT objects insofar as is necessary to ensure they are in a stable condition at the time of transfer
- to ensure that all significant assemblages from archaeological fieldwork are declared for TT purposes
- to operate the TT pre-allocation loans system on behalf of the QLTR
- to support the QLTR in relation to all Treasure Trove matters including the operation of the Treasure Trove system
- to advise, liaise and maintain close operational links with the QLTR and her Office and with other relevant bodies including the Scottish Government Culture and Historic Environment Division, Scottish museums, MGS, Historic Environment Scotland and the Receiver of Wreck

- to act as secretariat to SAFAP by producing minutes and Panel paperwork three (or more) times per year and to provide such additional support as required
- to manage and schedule the TT caseload to correspond with three (or more) Panel meetings per year
- to research and provide guideline valuations for TT objects for SAFAP
- to maintain and develop the TT website
- to maintain and develop the TT archive (digital, paper and image)
- to publish reports on TT cases in specialist publications
- to maintain links with relevant bodies in all UK countries, including the British Museum and the Portable Antiquities Scheme
- to participate at national and international level in academic and organisational aspects within the portable antiquities field

Appendix C: Standard reporting form for chance finds



Treasure
Trove

REPORTING OF FINDS FOR TREASURE TROVE ASSESSMENT

Finder's name:

Address:

Town:

Postcode:

County/Region:

Contact tel:

Email:

Please tick box if all future correspondence by email is preferred

Description of object found:
(eg axehead, brooch, iron object etc)

Date object found:

Findspot of object:

National Grid Reference:
(eg NT 23863 78492)

or GPS reference:

Nearest town/village:

County/region:

Method of discovery

Discovered by metal-detecting (please tick box if applicable)

Discovered by chance (please tick box if applicable)
(e.g. whilst walking, ploughing, etc)

Being declared for other reasons (please tick box if applicable)
(e.g. house clearance)

Please give information on current and/or previous land use, or on previous finds from the findspot which you think may be relevant:

Acknowledgement of finder in display

Note: it is a matter for a museum whether it will include any acknowledgement of the finder in its display.

If the find is allocated to a museum, I would like any labeling of a display of the find to acknowledge me as the finder if the museum will include that in the labeling:

Yes/no (please indicate)

If Yes, I agree to my name, address and contact details being released to any museum allocated the find:

(please tick box if you agree)

Declaration

I confirm that I am the finder of the object(s) declared above: yes/no
(please indicate)

Finder's signature:

Finder's name (please print):

Please return this form to:

Treasure Trove Unit
National Museums Scotland
Chambers Street
Edinburgh EH1 1JF
Tel: 0131-247-4082/4355
email:info@treasuretrovescotland.co.uk
<http://www.treasuretrovescotland.co.uk/>

Appendix D: Criteria for assessment of significance by TTU and for archaeological fieldwork

The Treasure Trove Unit (TTU) will assess the significance of all material (both chance finds and assemblages) reported as Treasure Trove against the criteria set out in this Appendix. The specific criteria set out in this Appendix are not exhaustive and in addition the TTU will apply professional judgement and experience to the assessment of each object and assemblage and, for an assemblage, will have regard to any assessment of significance in the report of the assemblage (see below).

Significance is determined by the potential of any portable antiquity to contribute to the cultural record of Scotland. Objects and assemblages are claimed for their archaeological or historical importance rather than financial value and objects do not have to be over 300 years old to be considered significant or claimed as treasure trove.

The guidance contained in Appendix M contains the definition of national importance which can be used to assess material.

Material may be defined as being of national importance if any or all of these criteria is or are fulfilled:

- it is a rare or unique type in a Scottish context or part of an assemblage containing such material; or
- it is of particularly high quality within its type; or
- it provides information of major significance (e.g. concerning the methods used in its manufacture or the nature of its subsequent use) not normally found on objects of its type; or
- the contextual information concerning the object or assemblage is of an exceptional nature.

All material assessed as being of national importance will be considered significant.

Beyond this there are a number of other criteria which will be used. They are not intended to be hierarchical in importance, nor do they use categories such as regional or local significance.

In applying the criteria below, the TTU will also exercise professional judgement and experience and will make reference to current research trends and, for an assemblage, any assessment of significance in the report of the find (see below):

- Where material can be considered by its type (whether common or not) to provide a new source of archaeological or historical information.
- Where the context of discovery or findspot can be said to provide new information.

- Where a group of finds can be demonstrated to form a coherent archaeological assemblage, whether or not they are found within an archaeological context or linked through excavation.
- Where the significance of an object lies in its association with other artefacts (including those discovered previously) or by association with a site or monument.

Subject to the judgement and experience of the TTU, who will have regard to any assessment of significance of an assemblage in the report of the find (see below), such material will be considered significant.

Any object or assemblage not falling within any of the foregoing will be considered significant if in the professional judgement and experience of the TTU, who will have regard to any assessment of significance of an assemblage in the report of the find (see below), it is considered to contribute sufficiently to the archaeological, cultural or historic record of Scotland such that it is considered appropriate that the chance find or assemblage be claimed by the Crown.

Guidance for the assessment of significance of an assemblage by the reporter

The foregoing criteria should be applied to assess the significance of the material in an assemblage in the report of the assemblage (see paragraphs 6.4 and 8.9 of the Code and Appendix N) by indicating the reporter's professional judgement as to:

- 1 whether the material might be considered to be of national importance
- 2 failing 1, whether any of the following apply
 - the material can be considered by its type (whether common or not) to provide a new source of archaeological or historical information
 - the context of discovery or findspot can be said to provide new information
 - a group of finds can be demonstrated to form a coherent archaeological assemblage, whether or not they are found within an archaeological context or linked through excavation
 - the significance of an object lies in its association with other artefacts (including those discovered previously) or by association with a site or monument, or
- 3 failing 1 and 2, the contribution of the material to the archaeological, cultural or historic record of Scotland.

As a guide, the assessment in the Report (in accordance with Appendix N) might normally be expected to be limited to 100 words but in appropriate case might be considerably longer or shorter if in the judgement of the reporter that would be appropriate.

Appendix E: Standard certificate issued to finders where object not claimed by the Crown



**Treasure
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Archaeological Heritage
for the Nation*

**CERTIFICATE THAT CROWN HAS NOT CLAIMED
TREASURE TROVE**

HAA.TTNC.2007/...

Item/s:

Findspot:

Finder/reporter:

This notice is issued on behalf of the Queen's and Lord Treasurer's Remembrancer and informs you that:

- The Crown has chosen not to claim this find/these finds

Signed:.....
(Head of the Treasure Trove Unit)

Date:.....

For further information about Scottish Treasure Trove/*bona vacantia* law and how the system works, contact the Treasure Trove Unit (www.treasuretrovescotland.co.uk)

Appendix F: Standard letter from QLTR to finder of chance finds when portable antiquity is claimed by Crown

NOTE: letter will be adjusted according to circumstances around when the find will be considered at a SAFAP meeting

Dear [Finder]

TREASURE TROVE [description of find]

Thank you for reporting the above find.

We write to inform you that the Crown has exercised its right to claim the item mentioned above as Treasure Trove. The Treasure Trove Unit have indicated that museum allocation of the item and an appropriate *ex gratia* payment will be considered by the Scottish Archaeological Finds Allocation Panel (SAFAP) at the meeting on <<DATE>>. You will appreciate however, that some finds will take longer to conserve and identify than others and this date may change. We will in those circumstances update you further as to the change of date.

In advance of the meeting, the Treasure Trove Unit will send you a report on your find and an indication of the figure (or range) it is suggesting as a guideline for the market value of the find in its advice to SAFAP for their consideration. If you have any information regarding the value or otherwise of the item, which you wish the Panel to consider, please send it to TTU (Treasure Trove Unit), c/o National Museums Scotland, Chambers Street, Edinburgh EH1 1JF. Information about what is required regarding value is attached.

We will write to you within 4 weeks of the meeting to advise you of the decision taken regarding the allocation of the item and the *ex gratia* payment payable. Please note however, should there be no application received from a museum for allocation of the item, the QLTR may, on the recommendation of SAFAP, disclaim it. In those circumstances the QLTR will write to you to formally disclaim the item and it will be returned to you by the TTU and no *ex gratia* payment will be payable.

When a find is allocated to a Museum, that museum finances the *ex gratia* payment. A finder may choose to forego all or part of an *ex gratia* payment and, should you wish to do this, please advise us in writing by letter or email. If you are prepared to forego all or part of an *ex gratia* payment if the find is allocated to a particular museum please also let us know, but please note that would not be a relevant consideration for determining the allocation of the find.

Your *ex gratia* payment will be paid to you by way of a transfer to your bank account. Please therefore provide me with your bank details including your account number and sort code. Please note, if you have previously provided us with your bank details and they remain the same there is no need to contact us as any *ex gratia* payment for this find will be sent to that account.

A list of Finders' names is published in the Annual Report for the year in which the find was reported. I would be grateful if you can let me know in writing if you agree to the inclusion of your name in the list. Please let me know within

four weeks of the date of this letter. If we do not hear from you by then, your name will not be included.

Yours sincerely

QLTR Administrator

EX GRATIA PAYMENT FOR TREASURE TROVE OBJECTS INFORMATION FOR FINDERS

There is no appeal against the level of the *ex gratia* payment.

Therefore, if you have recent verifiable information in support of a valuation for an object which is identical or very similar in type and condition to the one which you have submitted for Treasure Trove, and you wish the Panel to consider this information, you must submit it to the Treasure Trove Unit (TTU) in advance of the date of the next Panel meeting.

The Unit will then ensure this information is put before the Panel when it is considering the case for an *ex gratia* payment for your find.

The Treasure Trove Unit must be able to contact the person who gave you the valuation or be able to consult the appropriate catalogue etc, in order to verify the valuation for the Panel.

Verifiable information must include:

The name and business address of the person who has given the valuation along with a copy of their valuation.

If the information has come from an auction house catalogue then full details of the publication must be given including the name of auction house, the date and place of sale, the lot number, the guide price and/or the hammer price.

If the information has come from a dealer's catalogue then the name of the dealer, along with the date of publication of the catalogue and object reference number is required.

Non-verifiable information

Information which has come from an anonymous source will not be considered by the Panel. This would include website sales such as eBay and valuations from any un-named experts or dealers.

The level of the *ex gratia* payment is normally based on the market value of the find. Please note however that the Crown is not obliged to offer any award for claimed Treasure Trove objects and the *ex gratia* payment may be reduced (including to zero) if the finder has behaved inappropriately or the find has been mistreated. The circumstances where that can arise include finding an object on a scheduled monument without permission, delay in reporting a find or an object being inappropriately handled by the finder including cleaning which has damaged the object, and/or the application of any waxes and/or varnishes to the object.

Appendix G: Certificate issued to finders of Crown-claimed objects



**Treasure
Trove**

THIS IS TO CERTIFY THAT

<<FINDER_TITLE>>

<<FINDER_FORENAME>>

<<FINDER_SURNAME>>

is the finder of

<<DESCRIPTION_OF_FIND>>

which «insert either has or have» been claimed
as Treasure Trove

Queen's and Lord Treasurer's Remembrancer

QLTR Office
Scottish Government Building,
1B Bridge, Victoria Quay, Edinburgh,
EH6 6QQ

«DATE»

Appendix H: Types of portable antiquities which will ordinarily be liable to claiming for the Crown, dependent on age, condition, context, circumstances of finding, etc., as each object will be assessed by the TTU on a case-by-case basis. This listing is not intended to be exhaustive.

Adze-blade
Amulet
Anvil
Ard
Ard-blade
Armlet
Armour
Arrowhead
Awl
Axehead
Axe-hammer
Badge
Barbed point (antler/bone)
Battle-axe
Bead
Belt fitting
Book mount/clasp
Boss
Bracelet
Brooch
Bucket
Buckle
Button
Casket
Cauldron
Chape
Chariot equipment
Cheekpiece
Chesspiece
Coin
Coin hoard

(N.B. Coins reported will be identified by specialist numismatists. After recording, individual medieval and later coins will not normally be claimed unless they are rare types, are from findspots which give them an added significance, or are part of assemblages. Pre-medieval coins and coin hoards of all periods will normally be claimed.)

Comb (bone/antler)
Container
Counter
Cross-shaft
Cross-slab
Crucible
Cup-marked stone
Currency bar
Dagger
Decorated stone

Dirk
Fastener
Ferrule
Figurine
Finial
Fire-dog
Fire-steel
Fish-hook
Flesh-hook
Game-piece
Goblet
Grave-slab
Grave-stone
Grinder
Gunflint
Halberd
Hammerstone
Harpoon
Heraldic pendant
Horse gear
Ingot
Intaglio
Jar
Jewellery
Key
Knife
Knocking-stone
Ladle
Lamp
Lithic artefact
Logboat
Loomweight
Love token
Mace
Macehead
Mattock-head
Mirror
Mortar
Mould
Mount
Musical instrument
Neolithic stone ball
Needle
Net-weight
Papal bulla
Palstave
Patera
Pestle
Pictish symbol stone
Pilgrim badge
Pin
Pommel

Pottery
Purse-frame
Purse-mount
Quern
Rapier
Razor
Ring
Rubber
Saw
Scabbard
Sculpture
Seal
Seal matrix
Shield
Sickle
Socketed axehead
Socket-stone
Spatula
Spear
Spindle whorl
Spoon
Spur
Statue
Stirrup
Stone artefact
Strap-end
Strap-mount
Strike-a-light
Sword
Tankard
Terret
Tile
Token
Toiletry implements
Tombstone
Torc
Toy
Tweezers
Vase
Vehicle parts
Vessel
Weaponry
Weights
Worked organic material
Worked stone

Appendix I: Standing profile form for museums

This document is intended to make the application process easier for museums by replacing the need for full individual applications with a standing profile (which will be supplemented by a simplified application (see **Appendix J** to the Code of Practice) each time a museum wishes to seek allocation of Crown-claimed treasure trove).

Museum:

Contact Name & Address:

Email contact:

Submission Date:

1. Eligibility

Accreditation number:

Is this Accreditation full or provisional? If provisional please give details.

2. Collections Development Policy: Please include in full that part of your policy document which your institution submitted for Accreditation and which sets out your collecting policy, conforming to requirement 2.2 in *Accreditation Scheme for Museums and Galleries in the United Kingdom: Accreditation Standard*, October 2011.

Please mention also

- that part of your policy which deals with human remains.
- any concordats you have with any other institutions.
- what cultural or historical periods your institution normally collects.
- the geographical scope of your policy.

3. Payment of ex gratia payment: Can you identify sources you would normally use to fund an acquisition. Is there a financial limit to these sources? Where appropriate also indicate other expected sources of funding where standard sources may not be sufficient.

4. Please tell us how you would use Treasure Trove material to enhance your existing collections and interpretations.

Are your archaeological or local history collections a Recognised Collection

of National Significance as managed by Museums Galleries Scotland?

What would you do to maximise public accessibility to aid understanding of Treasure Trove material?

How will your institution make sure Treasure Trove material is made available or accessible to researchers or specialists?

Please detail how you would meet the long term care and conservation of material.

What do you do to ensure that high value or vulnerable objects have adequate security?

If you have not been allocated Treasure Trove material before (and may not be able to answer the above) please use the categories above to let us know how you would use the material.

5. Are there any other details which you feel are relevant and which it would be useful for the QLTR, TTU and SAFAP to know?

A copy of this document for your institution should be submitted to the Treasure Trove Unit. It is important that any changes to the policy or circumstances should be reflected by a new version of this document being submitted.

The institution submitting this Standing Profile confirms that:

- the document is accurate and up to date
- it continues to maintain Accreditation and will inform the TTU of any change to this status.
- Treasure Trove will be acknowledged as the sources of the acquisition in any display or interpretation *[Delete if the Museum will not acknowledge Treasure Trove]*

Submitted by-

PLEASE RETURN BY EMAIL WHERE POSSIBLE:
info@treasuretrovescotland.co.uk

Treasure Trove Administrator, National Museums Scotland, Chambers Street,
EDINBURGH EH1 1JF Tel: 0131-247-4082

Appendix J: Simplified application form for museums (Standing Profile)

This form should be used where a *Standing Profile* (see **Appendix I** to the Code of Practice) has already been submitted to the TTU and is accepted on the understanding that the current *Standing Profile* is accurate and up to date.

Please refer to 'Treasure Trove in Scotland, A Code of Practice' (2014), before completing this application.

Museum:

Address:

Email contact:

Submission date:

Lists of Cases (by TT Ref No.) that you wish to apply for

Are there any variations to the Standing Profile submitted by your institution which apply to this specific application?

Should you have to approach an external funding body to fund the *ex gratia* payment, who are they and give an anticipated timescale for this funding to be received?

The institution submitting this application confirms that:

- subject to any variations identified above, its Standing Profile applies to and forms part of this application
- all internal authorisations have been obtained to acquire these items, and to fund any ex gratia payments.
- it has a reasonable expectation of being able to fund any ex gratia payments
- Treasure Trove will be acknowledged as the sources of the acquisition in any display or interpretation *[Delete if the Museum will not acknowledge Treasure Trove]*

Application submitted by-

PLEASE RETURN YOUR APPLICATION(S) BY EMAIL WHERE POSSIBLE:
info@treasuretrovescotland.co.uk

Treasure Trove Unit, National Museums Scotland, Chambers Street,
EDINBURGH EH1 1JF Tel: 0131-247-4082

Appendix K: Standard application form for museums (no Standing Profile)



**Treasure
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Application by an accredited Scottish Museum for Treasure Trove where a Standing Profile (see **Appendix I** to the Code of Practice) has not been submitted to the Treasure Trove Unit by the Museum.

Please refer to 'Treasure Trove System in Scotland, A Code of Practice' (2014), before completing this application

Museum:

Address:

Email contact:

Submission date:

1. Lists of Cases (by TT Ref No.) that you wish to apply for

2. Eligibility

Accreditation number:

Is this Accreditation full or provisional? If provisional please give details.

3. Collections Development Policy: Please include in full that part of your policy document which your institution submitted for Accreditation and which sets out your collecting policy, conforming to requirement 2.2 in *Accreditation Scheme for Museums and Galleries in the United Kingdom: Accreditation Standard*, October 2011.

Please mention also

- if applicable to this material, that part of your policy which deals with human remains.
- any concordats you have with any other institutions.
- what cultural or historical periods your institution normally collects.
- the geographical scope of your policy.

4. Should you have to approach an external funding body to fund the *ex gratia* payment, who are they and give an anticipated timescale for this funding to be received?

5. Please tell us how you would use this Treasure Trove material to enhance your existing collections and interpretations.

Are your archaeological or local history collections a Recognised Collection of National Significance as managed by Museums Galleries Scotland?

What would you do to maximise public accessibility to aid understanding of this Treasure Trove material?

How will your institution make sure Treasure Trove material is made available or accessible to researchers or specialists?

Please detail how you would meet the long term care and conservation of this material.

What do you do to ensure that high value or vulnerable objects have adequate security?

If you have not been allocated Treasure Trove material before (and may not be able to answer the above) please use the categories above to let us know how you would use the material.

6. Are there any other details which you feel are relevant and which it would be useful for the QLTR, TTU and SAFAP to know?

The institution submitting this application confirms that:

- all internal authorisations have been obtained to acquire these items, and to fund any ex gratia payments.
- it has a reasonable expectation of being able to fund any ex gratia payments
- Treasure Trove will be acknowledged as the sources of the acquisition in any display or interpretation *[Delete if the Museum will not acknowledge Treasure Trove]*

Application submitted by-

PLEASE RETURN YOUR APPLICATION(S) BY EMAIL WHERE POSSIBLE:

info@treasuretrovescotland.co.uk

Treasure Trove Unit, National Museums Scotland, Chambers Street,
EDINBURGH EH1 1JF Tel: 0131-247-4082

Appendix L: Supporting statement form for museums on multiple applications for allocation

This document should be used to provide supplementary information in the case of multiple applications for the same Treasure Trove case.

Museums should refer to **Appendix M** to "Treasure Trove in Scotland, A Code of Practice" (2014) when completing this document.

Case no. TT:

Museum:

Address:

Email contact:

Submission Date:

1. If applicable, describe how this material would enhance the interpretation of local heritage in the museum?

2. If applicable, does this material meet the definition of National Importance in Appendix M to the Code of Practice?

3. Can any material in your existing collections be related to this material in accordance with the criteria for the Integrity of Assemblages in Appendix M to the Code of Practice?

4. If applicable, how will this material enhance your Recognised Collection(s) of National Significance?

5. If applicable to this material, how will you provide the additional conservation cover which is considered appropriate?

6. What measures will you take to maximise public accessibility to, and understanding of, this material?

7. What will you do to research the objects, enable others to do so and ensure its research potential is maximised?

8. For high value or vulnerable objects, what will you do to ensure the security of this material?

9. Are there any other relevant issues (as set out in Appendix M) that you would like to be considered?

Submitted by-

PLEASE RETURN BY EMAIL WHERE POSSIBLE:
info@treasuretrovescotland.co.uk

Treasure Trove Administrator, National Museums Scotland, Chambers Street,
EDINBURGH EH1 1JF Tel: 0131-247-4082

Appendix M: Criteria for allocation in the event of multiple applications

Criteria for the allocation of Treasure Trove in the event of multiple applications from accredited museums

The overarching priority when allocating Treasure Trove is:

Enhancement of local heritage interpretations

There is a presumption that Crown-claimed material will be allocated locally unless a convincing argument for allocating it elsewhere is presented

The other criteria (unranked) for allocation that must be considered in these circumstances are:

National importance⁵

Material may be defined as being of national importance if any or all of these criteria is or are fulfilled:

- it is a rare or unique type in a Scottish context or part of an assemblage containing such material; or
- it is of particularly high quality within its type; or
- it provides information of major significance (e.g. concerning the methods used in its manufacture or the nature of its subsequent use) not normally found on objects of its type; or
- the contextual information concerning the object or assemblage is of an exceptional nature.

Integrity of assemblages

Assemblages from archaeological fieldwork, all non-coin hoards, and many coin hoards, will normally be allocated in their entirety to a single applicant. Coin hoards will normally be allocated *en bloc*, unless SAFAP's advice to the QLTR is that compelling reason to split them has been presented. Containers for coin hoards, and any other non-coin material directly associated with coin hoards, will normally be included in the allocation.

In the case of objects or assemblages where material from the same findspot already exists in one or more public collection, the principle of not splitting finds further should normally apply. Assuming an appropriate application has been lodged, allocation will normally be made to the institution which already possesses the previous finds – or, in instances where material is already in more than one museum – to the institution which holds the main relevant

⁵ The role of National Museums Scotland (NMS) will be taken into account in considering allocations of nationally important material for which NMS has made an application. NMS will be required to demonstrate fully that there are clear advantages, in serving the national interest, in allocating a find to the NMS rather than to another institution.

collection. SAFAP, in order to advise the QLTR, may require cartographic information in support of assertions that scattered finds from a locality can reasonably be construed as parts of the assemblage from a single site.

Recognised collection

Where a museum applying for allocation cares for a Recognised Collection of National Significance within the Recognition Scheme managed by Museums Galleries Scotland, consideration will be given as to whether the Crown-claimed material falls within the collecting policy for that Recognised Collection.

Conservation

Some Crown-claimed material may need special conservation monitoring or intervention. In such cases any applicants will already have been notified of any special requirement. An applicant will need to demonstrate to SAFAP, in order that the Panel can advise the QLTR, the ability to provide the requisite additional conservation cover if such is specified

Potential to maximise public accessibility to, and understanding of, Crown claimed material.

This will include consideration of the applicant's ability and proposals to contextualise the material in a public display. SAFAP, in their advice to the QLTR, will also take into consideration the ways in which the item is otherwise to be made accessible (e.g. through print publication, electronic media, loans to other museums, accessible storage facilities, etc.).

Research potential

This will include consideration of the applicant's ability and proposals to enhance the research potential of its collection (e.g. if an institution aimed to build a representative set of objects types from a particular area, and needed a particular object or assemblage to fill an identifiable gap). This will be taken into consideration along with the ability of an applicant to undertake or facilitate research on the item either by its own staff or by third parties.

Security

The museum's security arrangements having regard to the Crown-claimed material in question.

Human remains

Where human remains have been reported as part of an assemblage, whether a museum will take those remains with the remainder of the assemblage.

Finder's views

In the case of a chance find, any preference intimated by the finder as to allocation between the museums which have applied for allocation.

Exceptional circumstances

In exceptional circumstances there may be other factors to be taken into account by SAFAP in reaching its recommendation. When these circumstances arise, the applicants will be informed in advance of any additional issues which SAFAP considers relevant, and the justification for so doing.

Appendix N: Standard organised fieldwork reporting form



Treasure
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*Protecting our
Archaeological Heritage
for the Nation*

REPORTING OF AN ARCHAEOLOGICAL ASSEMBLAGE FROM ORGANISED ARCHAEOLOGICAL FIELDWORK

Please submit a full report with this form in a digital format.

Site name:

NGR:

Location:

LA:
(Local Authority)

Director of fieldwork:

Unit name:

Address:

Postcode:

Contact person:

tel:

email:

Excavator's site code (if applicable):

Approximate age of the assemblage:
(eg: Neolithic, medieval, post-medieval etc)

Please state the total number of boxes in the assemblage:

Assessment of significance of assemblage (see the Guidance in **Appendix D** to the Code of Practice):

Current location of assemblage:
(eg: in the care of ABC Archaeology)

This fieldwork was sponsored (wholly or in part) by Historic Environment Scotland: Yes/No (Please indicate if a museum is eligible for HES box storage grant)

This fieldwork was sponsored by:

Submission of this declaration assumes that the assemblage is now ready for museum uplift (Please do NOT declare an assemblage until it is ready for museum uplift)

Return to:

**Treasure Trove Unit, National Museums Scotland, Chambers Street,
Edinburgh EH1 1JF Tel: 0131-247-4355 Email:
info@treasuretrovescotland.co.uk**

Appendix O: Application form for authority to borrow and display unallocated Treasure Trove



Treasure Trove

APPLICATION FOR AUTHORITY TO BORROW AND DISPLAY UNALLOCATED TREASURE TROVE

Object(s) description :

Curator:

Address:

.....email address:

Please give details of the material you wish to display, and list any material of high value or any which requires conservation.

Please give details of the display arrangements with reference to display cases and security measures.

I hereby make application for authority to borrow and display the above object(s) for a period ofmonths, from.....201[_]. I understand that if such authority is granted, transfer of the material will not be made until acceptable insurance cover or indemnity has been effected (see paragraphs 9.18 and 12.5 of "Treasure Trove in Scotland, A Code of Practice" (2014) and discuss this aspect with the Treasure Trove Unit).

Signed:Date:

Recommendation: Agree Disagree

Signed: Date:

Chair of SAFAP

Authority to borrow the above material for a period of months granted.

Signed:..... Date:

Queen's and Lord Treasurer's Remembrancer

Please complete and return this form to:

**Treasure Trove Unit, National Museums Scotland, Chambers Street,
Edinburgh EH1 1JF Tel: 0131-247-4355 Email:
info@treasuretrovescotland.co.uk**

Appendix P: Application form for authority to borrow unallocated Treasure Trove for research purposes



Treasure
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APPLICATION FOR AUTHORITY TO BORROW UNALLOCATED TREASURE TROVE FOR RESEARCH PURPOSES

Under the laws of Treasure Trove and *bona vacantia*, all material recovered by archaeological intervention in Scotland belongs to the Crown. Material may NOT be removed from Scotland without the prior written permission of the Queen's and Lord Treasurer's Remembrancer.

Please complete the attached list on page 2 detailing the artefactual material to be covered by this loan permission.

This form is for completion by an archaeology unit/university department/accredited researcher only

COMPLETE ALL SECTIONS IN FULL

Name of site & NGR:
Location:Local Authority:
Unit/Field Director:
Address:
.....email address:
Address where finds will be kept if different from the above:
I hereby make application for authority to borrow material from the above intervention for a period ofmonths, from.....201[_].
I understand that if such authority is granted, transfer of the material will not be made until acceptable insurance cover or indemnity has been arranged (see paragraph 8.4 of "Treasure Trove in Scotland, A Code of Practice" (2014) and discuss this aspect with the Treasure Trove Unit)
Signed:..... Date:.....

<p>Recommendation Agree Disagree</p> <p>Signed: Date:.....</p> <p>Chair of SAFAP</p>

<p>Authority to borrow the above material for a period of months granted.</p> <p>Signed: Date:.....</p> <p>Queen's and Lord Treasurer's Remembrancer</p>

LIST OF ARTEFACTUAL MATERIAL TO BE COVERED BY LOAN

SITE NAME:

Site code:

Total no boxes:

Assemblage includes:

- | | |
|--------------------------------|--------|
| Stone: (specify) | Yes/No |
| Organic: (specify) | Yes/No |
| Metal: (specify) | Yes/No |
| High value material: (specify) | Yes/No |
| Other: (specify) | Yes/No |

If any of this material will be held by specialists who work elsewhere than the main address provided please list them here.

Please give details of the proposed work to be carried out on this material, especially if this includes analytical analysis, sampling or conservation work. Specifically please give details of any destructive analysis.

Please give details of any material which requires conservation treatment and the timescale for this to take place

Please give details of the security arrangements for any high value material.

Please complete and return this form to:

**Treasure Trove Unit, National Museums Scotland, Chambers Street,
Edinburgh EH1 1JF Tel: 0131-247-4355 Email:
info@treasuretrovescotland.co.uk**

Appendix Q: Scottish portable antiquities acquired by museums since 31 December 1999 (extract from the notice issued jointly by the QLTR and the Chair of SAFAP, Edinburgh, 7 December 2005)

In 1999 formal guidance on the Treasure Trove system was issued by the (then) Scottish Executive. Museums which acquired any Scottish portable antiquity or archaeological assemblage after 31 December 1999, without either any such item having been claimed by the Crown and allocated or, it having been reported, without the Crown having intimated that it is not to be claimed, must report that item through the Treasure Trove system before 31 December 2007. Where the portable antiquity is a chance find, reporting must include details of the finder (and museums must inform the finder they are doing this), since an *ex gratia* reward payment to the finder may fall to be paid.

The current position may therefore be summarised as follows:-

- Scottish portable antiquities or archaeological assemblages which have been both acquired and formally registered/accessioned by museums on or before 31 December 1999 without having been reported through the Treasure Trove system will be deemed to have been acquired lawfully by those institutions and will not require to be notified to the Crown.
- Scottish portable antiquities or archaeological assemblages acquired by museums after 31 December 1999 other than by Treasure Trove allocation or following unclaim (under the 2008 Code of Practice) or disclaim by the Crown are the property of the Crown and must be reported through the Treasure Trove system. This requirement also applies to items acquired by museums prior to this date but which have not been formally registered/accessioned by 31 December 1999. Museums cannot lawfully acquire such items unless and until the Crown has been given the opportunity to exercise its right to claim them or not through the Treasure Trove system.

Appendix R: The Treasure Trove process: summary information sheet for finders of chance finds



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WHAT HAPPENS WHEN A CHANCE FIND IS MADE THAT IS POTENTIALLY TREASURE TROVE

- 1 Finds are deposited with the Treasure Trove Unit (TTU) at National Museums Scotland in Edinburgh by the finder or via a regional/local museums curator or by another third party
- 2 Finds are then assessed for Treasure Trove purposes.
- 3 When a find is deemed suitable for claiming under the laws of *bona vacantia*/Treasure Trove, the finder will be informed by the TTU.
- 4 Finders will receive a report on the find and a digital photograph for their own records. They will also be informed of the date of the meeting at which the Scottish Archaeological Finds Allocation Panel (SAFAP) will consider the find and a guideline as to the market value of the find which has been given to SAFAP for their consideration (NB this does not apply to finds from organised archaeological fieldwork).
- 5 The case information is then passed to the QLTR Office. There will normally be no further correspondence with the finder by the TTU.
- 6 The QLTR Office will write to the finder to advise that the QLTR accepts the recommendation to claim the find. All further correspondence with the finder will normally come directly from the QLTR Office. Finders can waive all or part of a reward thereby saving a museum the purchase price of the find.
- 7 At its meeting SAFAP will recommend to the QLTR:
 - i) an *ex gratia* payment for the find (n.b. this does not apply to finds from organised archaeological fieldwork)
 - ii) the appropriate museum to be allocated the find
- 8 If the QLTR accepts the Panel's recommendation the finder will receive a letter informing her/him of the amount of any award being paid and the name of the museum which will house find.
- 9 The QLTR Office will then write to the museum which has been allocated the find and request the sum for the finder's *ex gratia* payment. It will also advise the museum if the finder has asked for acknowledgement in the labelling of any display of the find (NB it is a matter for a museum whether it will include any acknowledgement of the finder in its display).

- 10 In some cases, the QLTR or the Panel may need to postpone arriving at a recommendation on a case until further information has been obtained. This can occur when more than one museum has applied for the same find or when extra specialist advice or analyses are required.
- 11 The majority of cases will proceed without delays. The *ex gratia* payment will be paid direct into the bank account nominated by the finder after the recipient museum has paid this sum to the QLTR Office (NB if a finder does not provide bank account details this will result in no *ex gratia* payment being made).
- 12 The entire process is normally completed within 12 months from the date of claiming the object.

**Treasure Trove Unit, National Museums Scotland, Chambers Street,
Edinburgh EH1 1JF**

(telephone: 0131 247 4082/4355; email: info@treasuretrovescotland.co.uk;
website: www.treasuretrovescotland.co.uk)

Appendix S: Contact details

Culture and Historic Environment Division, Scottish Government, Victoria Quay, Edinburgh EH6 6QQ (telephone: 0131 556 8400; fax: 01397 795001; email: ceu@scotland.gsi.gov.uk; website: www.scotland.gov.uk)

Historic Environment Scotland, Longmore House, Salisbury Place, Edinburgh EH9 1SH (telephone: 0131 668 8600; email: hesboard@scotland.gsi.gov.uk; website: <http://www.historic-scotland.gov.uk/>)

National Fund for Acquisitions, c/o National Museums Scotland (telephone: 0131 247 4106; fax: 0131 247 4308; email: nfa@nms.ac.uk)

National Museums Scotland, Chambers Street, Edinburgh EH1 1JF (telephone: 0131 247 4422; fax: 0131 220 4819; email: info@nms.ac.uk; website: www.nms.ac.uk/nms/home)

Queen's and Lord Treasurer's Remembrancer, Scottish Government Building, 1B Bridge, Victoria Quay, Edinburgh EH6 6QQ (telephone: 0844 561 3899; email: COQLTR@copfs.gsi.gov.uk; website: www.qltr.gov.uk)

Scottish Archaeological Finds Allocation Panel, c/o Treasure Trove Unit

Museums Galleries Scotland, Waverley Gate, 2-4 Waterloo Place, Edinburgh EH1 3EG (telephone: 0131 550 4100; email: inform@museumsgalleriesscotland.org.uk; website: www.museumsgalleriesscotland.org.uk)

Treasure Trove Unit, c/o National Museums Scotland, Chambers Street, Edinburgh EH1 1JF (telephone: 0131 247 4082/4355; email: info@treasuretrovescotland.co.uk; website: www.treasuretrovescotland.co.uk)