

The Treasure Act 1996 came into force on 24 September 1997 in England, Wales and Northern Ireland, replacing the common law of treasure trove. It was amended by the Treasure (Designation) Order 2002.

This leaflet provides a summary of the new law: further information will be in the Code of Practice on the Treasure Act, which can be obtained free of charge from the Northern Ireland Environment Agency (NIEA). Metal detectorists are strongly advised to obtain a copy of the Code of Practice which contains guidance and restrictions on searching for archaeological objects, guidelines on rewards, advice on the care of finds and useful addresses.

## What is the definition of treasure?

The following finds are treasure under the Act (more detailed guidance is given in the Code of Practice):

- (1) **Objects other than coins:** any object other than a coin provided that it contains at least 10 per cent of gold or silver and is at least 300 years old when found. (Objects with gold or silver plating normally have less than 10 per cent of precious metal.)
- (2) **Coins:** all coins from the same find provided that they are at least 300 years old when found (but if the coins contain less than 10% of gold or silver there must be at least 10 of them). An object or coin is part of the same find as another object or coin if it is found in the same place as, or had previously been left together with, the other object. Finds may have become scattered since they were originally deposited in the ground. Only the following groups of coins will normally be regarded as coming from the same find:
  - hoards that have been deliberately hidden;
  - smaller groups of coins, such as the contents of purses, that may have been dropped or lost; and
  - votive or ritual deposits.

Single coins found on their own are not treasure. Groups of coins lost one by one over a period of time (for example those found on urban sites) will not normally be treasure.

- (3) **Associated objects:** any object, whatever it is made of, that is found in the same place as, or that had previously been together with, another object that is treasure.
- (4) **Prehistoric objects:** two or more associated objects of base metal (eg, bronze or iron) and of prehistoric date (ie, Iron Age or earlier).
- (5) **Objects that would have been treasure trove:** any object that would previously have been treasure trove, but does not fall within the specific categories given above. These objects have to be made substantially of gold or silver; they have to have been buried with the intention of recovery, and the owners or their heirs cannot be traced.

The following types of finds are not treasure:

- objects whose owners can be traced;
- unworked natural objects, including human and animal remains, even if they are found in association with treasure; and
- objects from the foreshore, which are wreck.

Metal detectorists should be aware of the restrictions imposed by the Historic Monuments and Archaeological Objects (NI) Order 1995. If you search for archaeological objects without a licence issued by the Department you may receive a fine of up to level 3 on the standard scale. If you are found in possession of a metal detector or similar device on a protected site without such a licence you may receive a fine of up to level 4.

## What should I do if I find something that may be treasure?

All finds of treasure must be reported to the coroner for the district in which they were found either within 14 days after the day on which you made the find or within 14 days after the day on which you realised the find might be treasure (for example, as a result of having it identified). The obligation to report finds applies to everyone, including archaeologists.

## How do I report a find of treasure?

You may report your find to the coroner in person, by letter, telephone, fax, etc. The coroner or his officer will send you an acknowledgement and tell you where to send your find. The Code of Practice has a list of all coroners and their contact details. A police station will also be able to provide details of the local coroner. You can also bring your find to a museum or to NIEA for examination

and, if such a body determines that the find might be treasure, they will report it to the local coroner on your behalf.

## Where will I take my find?

You will be asked to take your find to the Ulster Museum, a local museum or NIEA, if you have not already done so. The body which receives the find on behalf of the coroner will give you a receipt. Although they will need to know where you made the find, this information is kept confidential if you or the landowner wish. The body receiving the find will notify the Sites and Monuments Record in NIEA so the site where the find was made can be investigated by archaeologists if necessary. If the find was not brought originally to the Ulster Museum, the receiving body will deliver it to them for investigation.

## What if I do not report a find of treasure?

If you fail to report a find you believe or have reasonable grounds for believing to be treasure without a reasonable excuse you may be imprisoned for up to three months or receive a fine of up to level 5 on the standard scale, or both. You will not be breaking the law if you do not report a find because you do not initially recognise that it might be treasure, but you must report it once you do realise this.

## What happens if the find is not treasure?

If the object is clearly not treasure, the museum or NIEA will inform the coroner, who may then decide to give directions that the find should be returned without holding an inquest.

## What happens if the find is treasure?

If the museum curator or archaeologist believes the find may be treasure, the Ulster Museum will be informed. It will decide whether it wishes to acquire the find. If not, other museums may express an interest. If no museum wishes to do so, the Secretary of State can disclaim the find. When this happens, the coroner will notify the occupier and landowner that they intend to return the object to the finder after 28 days unless an objection is received. If the coroner receives an objection, the find will be retained until the dispute has been settled.

## What if a museum wants to acquire my find?

If a museum wants to acquire part or all of a find, the coroner will hold an inquest to decide whether it is treasure. They will inform the finder, occupier and landowner and can question witnesses at the inquest. The inquests will not normally be held with a jury. If the find is declared treasure, it will be taken via NIEA to be valued by the Treasure Valuation Committee.

## How do I know that I will receive a fair price for my find?

Any find that a museum wishes to acquire must be valued by the Treasure Valuation Committee. The Committee will commission a valuation from one or more experts drawn from the antiquities market. You, together with the museum that wishes to acquire the find and any other interested party, can comment on the valuation and send in a separate valuation of your own, before the Committee makes its recommendation. If you are dissatisfied you can appeal to the Secretary of State for Culture, Media and Sport.

## What if the coroner or museum loses or damages my find?

They are required to take reasonable steps to ensure that this does not happen; but, if it does, you should nonetheless be compensated.

## Who will receive the reward?

This is set out in detail in the Code of Practice.

## How long will it take before I receive my reward?

The Code of Practice states that you should receive a reward within one year of delivering your find. This may take longer in the case of very large finds or those that present special difficulties. If no museum wants to acquire the find it should be disclaimed within six months or within three months if it is a single object.

## Summary:

- where the finder has permission to be on land, rewards should continue to be paid in full to the finder. Proof as to whether they have permission will rest with the finder. If the finder makes an agreement with the occupier/landowner to share a reward, the Secretary of State for Culture, Media and Sport will normally follow it;
- if the finder does not remove the whole of a find from the ground but allows archaeologists to excavate the remainder of the find, the original finder will normally be eligible for a reward for the whole find;
- rewards will not normally be payable when the find is made by an archaeologist;
- where the finder has committed an offence in relation to a find, has trespassed, or not followed best practice as set out in the Code of Practice, they may expect no reward at all or a reduced reward. Landowners and occupiers will be eligible for rewards in such cases.

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# The Treasure Act

## Information for finders of Treasure in Northern Ireland

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