

NCMD Response
To The
Reform of Treasure Trove Arrangements in Scotland
Normand Review Recommendations/Scottish Executive Response.

2003

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Reform of Treasure Trove Arrangements in Scotland **Normand Review Recommendations/Scottish Executive Response.**

General

Recommendation 3 - It is suggested and recommended that further consultation with the NCMD and finders representatives could greatly assist in the preparation of a Code of Practice. It is the NCMD's experience is that very many archaeological organisations have little knowledge or experience of the potential benefits arising from co-operation by the responsible recreational metal detector users.

Finding and Reporting

Recommendation 4. - The creation of an offence for the possession of unreported finds is potentially contentious. The burden of proof must rest with the Crown. The proof that material has been removed from Scottish jurisdiction might be very difficult to sustain. The possession of material defined as Treasure Trove in Scotland is not necessarily proof of wrong doing. Material of this nature can be quite legally acquired from sources outside of Scotland. Similarly material of Scottish origin (e.g. coins) is often found far outside of Scotland having been transported there in antiquity. How would such a provision be applied to citizens outside of Scotland where the possession of such material is not an offence. Is it intended that the application of such a provision would be retrospective?

Valuation

Recommendation 17. - It is vital that the valuation of Treasure Trove material is perceived as fair and this will only be achieved if the valuation is derived outside of the direct influence of archaeological and museum interests. Provisional valuations should certainly be obtained from reputable trade organisations operating in the market place.

Rewards

Recommendation 20- It is agreed that the provisional valuation should be made available to the finder with sufficient time allowed to enable a challenge, if necessary, to be made. However there should be clear guidance as to what constitutes supportive evidence which would reduce the frequency of frivolous claims. Consideration should also be given to a final appeal process.

Organisational Arrangements

Recommendation 22 - The reasoning behind the suggested proposal to merge of the TTAP with the Finds Disposal panel is unclear. The function of the two bodies whilst connected is quite different and there is merit from the point of view of "transparency" in keeping the two groups entirely separate.

Recommendation 23 - It is doubtful if the TTAP will be relieved of much of its workload by the introduction of a "fast track" procedure. How would such a procedure be applied? It does appear that the very wide remit for the TTAP significantly contributes to the delays. Redefinition and separation/re- allocation of the various functions would do more to speed up the process. The introduction of a more finder friendly process would decrease the incidence of non- reporting as finder confidence builds. This will result in a higher workload for the panel. The option for the panel to meet more frequently should certainly not be discounted.

Recommendation 24 - It is crucial to the successful operation of the proposed new arrangements that the composition of the TTSAP should not be restricted to archaeological interests. As with the English Treasure Valuation committee (TVC) the representation should be drawn from relevant commercial bodies as well as finders organisations. The panel should be chaired by an independent and non archaeological individual.

Recommendation 26 - The appointment of Liaison Officers, or Co-ordinators is welcomed. However, their role and responsibility will need to be clearly defined. Finders must be made fully aware of their proposed function. There are disadvantages if they remain part of the organisational structure of the museum service as they would be seen to lack independence. The success of the English Finds Liaison Officer system, which has been instrumental in building trust and closer relationships with finders and the Treasure reporting system in England, should not be discounted. The overriding factor in the success of the FLO scheme in England to date has been the perceived open minded approach and relative independence from the established museum service.

Recommendation 27 - Time targets are useful provided they are set at an achievable and meaningful level. Experience with the English system could be used as a guide, where the initial failure to meet the defined time scales created much bad feeling amongst finders and damaged the public perception of the process. The achievement of targets should be subject to regular review and attention given to the correction failures of the process.

Publicity

Recommendation 29 - The NCMD would be happy to ensure that its members are made aware of the new arrangements and further to publicise them on its web site. It will also consider any necessary amendment to its Code of Conduct.

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We feel it appropriate to make a few additional comments on the review

1, In general terms the review is believed to be long overdue. The current system has become a slow, cumbersome, and an apparently secretive and unresponsive process, which may actually deter the reporting of archaeological finds. The unrepresentative grouping of archaeologists, museum representatives and historians has dominated the core functions resulting in a perceived lack of independence and transparency.

2, The process by which the Treasure Trove Advisory Panel Secretariat (TTAPS) values finds by looking at dealers catalogues, metal detecting magazines, coupled with visits to dealers premises, auctions and fairs to keep information current, is viewed, at best, imprecise and at worst a questionable system immune from sanction and with potentially, an inbuilt museum bias.

3, The review was designed to survey views of finders during a five year period from 1997-2001. This involved a mere 158 finders of Treasure Trove material of whom only 66 responded. One could therefore argue that the sample was unrepresentative of the majority of metal detectorists.

4, On analysis, the responses received would suggest that deep divisions still exist between museums, archaeological bodies and excavators over workings of the Treasure Trove law, English universities working in Scotland coming in for much criticism. Although there appeared to be an attempt to promote the best parts of the English system, with references to FLO style museum based liaison officers, it is doubtful that the concept of their independence from local politics and outside influence was fully grasped. It is regrettable that landowners' rights to an equal division of any reward for items reported as being discovered on their land has not been recognised. Any division of the reward being left to the finder.

Trevor Austin
NCMD General Secretary