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Trevor Austin Interview – by John Winter

Trevor Austin, General Secretary of the National Council for Metal Detecting (NCMD) was appointed to the Treasure Valuation Committee (TVC) in December 2003 as the detectorists' representative. Since joining the NCMD in 1990, he has been involved in consultations on the introduction of Treasure Act and its Code of Practice, the introduction and expansion of the Portable Antiquities Scheme, and contributed to the Treasure Act Review (2001 to 2002). He acted as consultant to, and appeared on, BBC2's 'Hidden Treasure' series.

The Treasure Valuation Committee provides independent advice to the Secretary of State for Culture Media and Sport on the fair market value of Treasure finds, made in England, Wales, and Northern Ireland by members of the public, which museums wish to acquire from the Crown. The Committee also advises the Secretary of State where there may be grounds for paying a reduced reward or no reward.

Quite a number of detectorists are still unsure of how the treasure valuation process really works, especially on the question of valuation, so John Winter sought further clarification . . .

**Can you clearly state what the procedures are when potential treasure is found?
Who can detectorists report it to and what then happens to the find?**

The law states that the first thing that you must do when you find potential treasure is report it to a coroner. In practice it's slightly different in that the Finds Liaison Officer will report it to the coroner for you and a 'treasure receipt' will be issued. The Treasure Act actually states that the finder must report the find within 14 days to the Coroner, but in practice it is easier to go to the FLO and coroners accept this. It's much easier to do things that way.

When it is confirmed that a find is treasure and personal photographs are taken, can the pictures be submitted as an entry in a club or forum competition? At this stage, whose property is it?

Yes, you may submit photographs. For example, the *Robin Hatt* annual competition in this magazine will accept pictures of finds that have been declared treasure. When there is no easy access to the find, pictures will suffice and most clubs allow that.

Now, who owns the find? If it is treasure then it has always belonged to the Crown, even before it was discovered. That's a straight-forward answer; it never belonged to the landowner; it never belonged to the finder and that is what the Law states.

Can you state briefly how the valuation process works?

When a find has been to inquest and declared treasure the TVC will commission expert advisers to give a trade valuation, a copy of which is sent to the finder, landowner, TVC and the museum who wishes to acquire the find. At this point the TVC will not have seen the find. I wish to emphasise that this is purely a trade valuation and NOT a valuation from the TVC.

When we have those provisional valuations they will be placed for discussion at one of our meetings along with any submission the finder wishes to make. We may look at any relevant publications and/or consult with the British Museum regarding its archaeological significance and so on. We will also look at similar finds that have already been valued or sold at recent auction in addition to the find itself. After considering all the information, the committee then agree on a valuation and it will be a consensus of opinion.

Do you always arrive at a decision?

We have to – that is how it works.

Who makes the final decision on which adviser to use for the valuation of different items?

It will be Caroline Barton, TVC Secretary or one of her team who chooses the valuer according to the areas of expertise. Sometimes when a second or third valuation is needed the Committee recommends a valuer.

What happens if the detectorist disagrees with the provisional valuation, decides to challenge the decision and seeks further advice?

The provisional valuation is not the final value. It is purely a trade valuation which the TVC will take into account when it views the find and any other relevant information. The finder is quite entitled to consult a dealer or auction house to get his own evaluation which should be submitted to the TVC.

At this stage would the TVC recommend who the detectorist should consult or is he free to make an independent choice? Would the committee recognise any valuation if the valuer wasn't on your approved list of expert advisers?

A finder can seek advice from any valuer he wishes to consult, preferably from a recognised dealer, a member of the Antiquities Dealers Association or British Numismatic Trade Association and arrangements can be made to view the item at the British Museum. They will even provide a photograph if asked so a valuation may be made that way. In other words the finder can email an image to an expert of his choice; many dealers will give an opinion from an image free of charge. The finder is also entitled to submit any material he thinks relevant to support his case and the finder's valuation does not have to come from one of our expert advisers.

The detectorist has to make a decision whether to go down this route or not and whether it is practical on an item that may not be worth very much - a professional valuation could cost in the region of £300.

Having then secured a figure from the TVC which he disagrees with, what should be then submitted in the way of evidence to support a challenge for re-evaluation?

I would advise anyone wishing to appeal against a valuation to get a written valuation of his own that (obviously) will contradict the TVC's. He also needs new evidence like previous saleroom prices, historical documents pertaining to or documenting the item which will affect the price - for example - any association with Royalty. In fact, anything the finder can get relating to his find historically could affect the price greatly.

Coins are different because they usually have a set value. Unless they are extremely rare, you can look in a standard catalogue like Spinks' *Coins of England* and the price is there. They are not usually a problem, although the grade can be sometimes an issue. And that is why we have a consultant on the panel for that very reason, whose normal job it is grading coins for Spinks.

Just saying, *I think the find is worth more* is not enough. You must compare with something else and submit the evidence and it can be done by the detectorist himself; it doesn't have to come from a dealer.

Who constitutes the panel on the Treasure Valuation Committee, how are they chosen and what are their qualifications? How often is the list reviewed and updated?

The present Committee members are: Professor Norman Palmer (Chairman; Barrister and expert on art law),



Dr Jack Ogden (National Association of Goldsmiths, expert on Roman Jewellery and Plate),



Mrs Mary Sinclair (Consultant for the Coin and Metal Department at Spinks),



John Cherry (Former Keeper: Medieval and Later Antiquities at the BM),



Peter Clayton (Writer, lecturer and expert on ancient archaeological artefacts),



Professor Ian Carradice, (University of St. Andrews, expert on Roman coins),



Dr Tim Pestell (Keeper of Archaeology at Norwich Castle Museum)



Trevor Austin (NCMD General Secretary). All Committee members are scrutinised by the public appointment committee and the posts are advertised.

Can you explain in more detail the selection process?

The committee will discuss among themselves whenever a position becomes vacant and advise the Chairman on who might prove to be a suitable person for that post, but it doesn't mean the person will get that appointment. The post must be advertised – usually on the Department for Culture, Media and Sport website and candidates will have to go through a selection process.

The term of an officer on the TVC is not indefinite and normally lasts for a period of 4 years, although a member may serve two terms if asked to do so.

What are the criteria used when choosing valuers for a particular find?

A position recently became vacant for an expert on Roman coins. The new person on the list, Professor Caradice, has this speciality and is highly regarded in his field, so his name was put forward.

Can anyone do a third term?

Only in exceptional circumstances.

Many in the detecting community are of the opinion that those valuers who consistently give the lowest valuations are the ones chosen to arrive at a 'fair' figure. Would you care to comment?

I wouldn't say that Sotheby's or Spinks gave consistently low valuations. Provisional valuers are chosen because they are the top names in their field. So no, that is not why they are chosen; they are selected specifically because of their expertise and not because they give consistently low estimates of how much an item will fetch. It's one of those misconceptions held by some detectorists, but it isn't true.

Why is it when the TVC are striving to give fair and just rewards, many detectorists still feel as though they have been cheated?

When you find anything then you are personally involved with that object and you are always going to look at it through rose-coloured glasses. It happens to me. Your friend at the club or pub will tell you that it's *worth five grand* and comments like this will foster your ego. I've seen it happen so often and can understand the feeling. Sometimes it is a difficult subject to look at objectively.

The most recurrent source of complaint about the TVC is the time it takes for valuations to be made. Now that the British Museum has taken over the treasure procedure, has this improved and can it be quantified?

The actual time taken from receiving a provisional valuation to the find being valued is not usually that long and the problem lies elsewhere, either with the time it takes to go to coroner or for it to reach the BM. They are two areas that need to be addressed. It is also worth remembering that any challenge will also delay the process.

Are you saying that the hold-up is with the FLO?

I know of instances where finds have stayed in the reporting museum's office until they have found the time to travel down to London. FLO's are also on fixed budgets which limits the number of visits they can make.

Is it because the FLO's are overworked?

It could be – but to take one small find all the way to London is not practical and I think FLO's wait until they have several. Also we must remember that coroners have to fit an inquest into what is usually a busy schedule and a treasure inquest is not a high priority for them. The delays caused by coroners can be a year or more whereas I do not think a FLO would ever take more than 3 months in bringing a find to London.

The expert report for the coroner of which the finder will get a copy, is usually written by the BM and this has speeded things up a little because it is now centralised. The TVC used to sit 6-8 times a year, but we now meet about 10 times, so efforts are being made.

I'd like to move on to another question often asked by detectorists. Is the finder obliged to give a precise find spot location, even though it may not be the express wish of the landowner?

If the find is treasure then the answer to that is quite simple – and it is YES. That is the law and a legal requirement. You cannot say *this is treasure but I won't tell you where I found it*. Without a find spot the value of the object would be greatly affected because that provenance is really important to archaeologists, coin dealers and others.

If the finder refuses to give the precise location, does he forfeit the right to any financial reward?

He doesn't forfeit the right to any financial reward, but the find may be subject to abatement which means that any reward will be significantly reduced. If there isn't a find spot, who gets the other half of the money? A refusal to divulge the spot raises lots of question like *should the detectorist have been there in the first place or did he have permission?*

What if he says that he found it *in that field* and gives an approximate position on an Ordnance Survey map?

That's good enough for reporting any treasure item. The landowner is known; we know where the detectorist was, whether he had permission and a 6-figure reference can be given. That's all a coroner would want to know before declaring the item as 'treasure'.

When and how are potential buyers notified and does this provide them enough time to raise necessary funds for purchase? I understand that many items go through the procedure only to be disclaimed because the museum can't afford them. Couldn't this costly and time consuming exercise be avoided by first confirming that the museum can raise the appropriate funds?

Local museums usually have an interest in any find. However, those of national importance will go to the BM. The local museum is asked as early as possible if they have an interest in acquiring a find and if not a lot of the process can be dispensed with. In particular, it does not need to go to an inquest. Disclaimed finds generally don't take more than 6 months. Providing the landowner agrees, the item can then be returned to the finder. If a find goes all the way through the system, comes to the TVC for valuation and the museum turns around and says it can't afford it, then that has been a waste of time for everybody and is something we actively discourage.

What many finders aren't aware of is that a lot of items are disclaimed and returned to the finder before the TVC ever sees them. Typical examples are rings and 'partefacts' because the museum doesn't want them.

On a recent Time Team programme, Tony Robinson said that treasure finds are probably given a low value because museums are unable to afford more. Would you like to comment?

That's not the case at all and he could easily have checked with the BM, the TVC or the DCMS and found out the truth for himself. No one who sits on the TVC knows how much a museum can afford and it isn't one of our considerations. We have been told to disregard anything like that. Any reference to how much the museum can afford is never discussed. If a museum makes any reference to its finances in any correspondence, they will receive a letter from the TVC asking them not to do so in the future.

Has there ever been a legal challenge by a detectorist on items found on an archaeological dig and when no waiver has been signed? In situations like this, who would collect the reward?

Yes, there have been cases that have come before the committee. When the archaeologist has failed to get a waiver signed by the detectorist - for whatever reason - the latter is entitled to a reward. The archaeologist is not entitled to anything; it's his job. The Treasure Act specifically states: *Rewards will not be payable when the find is made by an archaeologist or anyone engaged on an archaeological excavation or investigation.*

If you are ever asked to sign a waiver, just think about it. If you have been invited to a site that has nothing to do with where you usually detect, where you might appreciate the experience, then you might append your name to such a document.

On the other hand, you may have a site where the archaeologist comes along, says that he would like to do a dig and could you sign a waiver. In circumstances like that you would be justified in refusing. Understand that if you do sign then you will be giving up your rights to any reward. So, it all depends on the situation and the circumstances. The exception is cases where the original discovery was made by the detectorist who has reported the find and allowed archaeologists to come and investigate the site subsequently. In those cases the detectorist may be eligible for a reward if the archaeologist digs up more of the same find.

How many valuations are obtained for each find?

It all depends on the find, usually only one, but the Committee can commission up to three and sometimes more when it has been deemed necessary. If we think that there is a discrepancy between valuations we may ask for another.

Would you say that for the majority of finds, only one valuation is ever sought?

If an item is worth very little, do we need three valuations to tell us that it's worth £10?

It all depends on the find. If a finder is unhappy with just one valuation when it comes before us, we may well ask for another. We get many small value items which don't take up a lot of our time.

What do you think are the main misconceptions held by detectorists about the function and

procedures of the TVC that haven't been covered in this conversation?

I don't think detectorists really believe that the TVC hasn't an axe to grind and are truly independent. Having served on the committee for the last 5 years I can assure them that there is no bias towards museums . . . or finders, for that matter! The people on that panel strive to be fair and are completely unbiased.

I emphasise that provisional valuations are not a valuation from the TVC, also detectorists can challenge the system. We discussed earlier how this might be done. Providing the finder has evidence, we will look at an item up to three times. If he wishes to take it any further, then the only option is to make a personal appeal to the Secretary of State.

When you **report** a find, you only need to pick up the phone. When you **record** a find you need to give a grid reference, inform the FLO, have it recorded and get a receipt. The law says that **when you realise it is treasure** then you have 14 days in which to report it.

I thank you for talking to me so frankly about the TVC, making the whole process a little clearer in my mind and perhaps clearing up a few misconceptions for others along the way.

Last Two Years Disclaimed Finds

2005

Acquired 156
Donated 18
Disclaimed 273
Not Treasure 85
To be determined 45

2006

Acquired 57
Donated 19
Disclaimed 279
Not Treasure 120
To be determined 166