

Treasure Valuation Committee Part 2

By Trevor Austin.

Carrying on from where we left off last month with a further collection of topics which generally produce queries by finders and quite often debate at committee level.

Working with archaeological groups

At some time you may be asked to assist in an archaeological investigation or planned excavation. However there are one or two situations which may arise that you should be aware of concerning rewards. Where there has been no previous detecting involvement on the site by a finder, they must normally expect to receive no reward if potential treasure material is discovered during the investigation. The archaeologist in charge of the investigation or whoever requested your assistance, will ask you to sign a document waiving any right to any reward should any items of potential treasure material be discovered. This might appear to be fairly straightforward, but the *Treasure Valuation Committee* has come across instances which have required considerable deliberation.

The requirement for a detector user to sign a waiver before the investigation proceeds is standard practice. However, problems could arise if the detector user has not been asked to sign a waiver and then discovers potential treasure material for which he would expect to receive a reward. The *Treasure Valuation Committee* will need to determine whether or not the finder was engaged on the excavation work at the time of discovery and is thereby part of the archaeological team. If the committee decides that this was the case then no reward will be paid, even though a waiver has not been signed.

The other point to remember is, that where a finder discovers an item of potential treasure material on site which he has previously received permission to search, and may even have been searching for some time, it may arise that the site requires further investigation by archaeologists. The finder and/or the landowner may request such an investigation and the finder will no doubt assist in that work. However, in such cases the finder or landowner should not be asked to sign such a waiver or, indeed do so, unless they wish to forfeit any reward. Subsequent finds from a site of this nature will undoubtedly be connected material and therefore form part of the original find and as such both the finder and landowner will be eligible for a reward. Where such cases come before the committee there would be no prima-facie case for abatement.

It should also be remembered that in either case the landowner would still be entitled to a reward normally amounting to 50% of the market value. One point is clear, where finders are asked to participate in archaeological excavations for which they have no previous involvement it is the duty of the archaeologist or person who has asked for assistance, to make sure a waiver has been signed. It should not be the responsibility of the finder. Should an item of potential material treasure be uncovered during the investigation and the finder has not been asked to sign such a document, if no reward is paid, there could be grounds for a legal challenge to the decision to withhold or abate the reward. However, the likelihood of such a challenge will probably be influenced by the value of the item

Findspot Location

The importance of precise findspot location cannot be overlooked. Any attempt to disguise or to give false findspot location may result in abatement of any reward. Precise findspot locations should remain confidential and landowners should also be given consideration as to the amount of publicity they wish to impart to outside bodies such as the press. Not only will these simple security measures serve to protect the site from attack by criminals but they will also ensure that the confidence between the finder and landowner is preserved. It would not be unknown for landowners to ask that such information should not be freely given by the finder.

Disclaimed objects

The Secretary of State has the power to disclaim objects that have been submitted as potential treasure material. Usually this will involve material that no museum wishes to acquire. However, there are instances where items have been disclaimed for other reasons. If no museum wishes to acquire the object/s the Coroner will be notified and there will be no need to proceed with an inquest. If however the museum wishes to acquire only part of a coin hoard, then the whole hoard will still need to be considered at inquest. A recent hoard of coins was disclaimed because the museum which had earlier expressed an interest in acquiring the coins but then was not able to raise sufficient funds to meet the valuation placed upon it by the *Treasure Valuation Committee*. Objects disclaimed in this way will be treated as if they have never been *Treasure* and notification will be given to the landowner that the object/s will be returned to the finder unless any objection is received.

I have never known this to cause a problem as by this stage the finder and landowner usually have agreed to share any reward. Any objections which may be raised would however require the coroner or museum concerned to retain the find until an agreement on such objections have been reached.

Finders Liaison

The primary function of the *Treasure Valuation Committee* is to independently assess a fair market value for finds brought before it. It has a duty to ensure the value is arrived at without prejudice. The finder's liaison position within the *Treasure Valuation Committee* is to represent the views of and liaise with finders of treasure. The position gives an opportunity for the presentation of views concerning treasure from finders whose objects are before the committee for consideration. The members of the committee welcome such representation as to the circumstances surrounding the finds discovery and any mitigating evidence or circumstances which the finder can provide. Finders are welcome to discuss any problems or concerns which they may have surrounding their discovery with myself, which I will endeavor to portray to the committee.

The position affirms the commitment of the *Treasure Valuation Committee* in ensuring that finders receive fair and principled representation.

The way forward

Although it appears that the *Treasure Act* has been generally well received, the system of deciding rewards, whilst not perfect, is improving and generally works fairly well. There has been a huge increase in reported finds since the introduction of the Act. Material determined and acquired by a museum as treasure is never going to be able to come to auction, so doubt may persist in a finder's minds as to whether or not a true and fair market value has been realised. Unfortunately, this is always going to be the case under the present legislation but the *Treasure Valuation Committee* is committed to ensuring that finders not only receive a fair market value as their reward, but also that the committee is seen to be fair and independent

Inaccurate valuations are something which the committee strives to avoid and great care is taken to ensure that expert advice and trade valuations closely mirror one another. Any discrepancies in valuation between expert advisors will immediately raise concerns and the committee will seek further guidance. It must be recognized that such actions do nothing to speed up the system, which is one of the major complaints from finders, but it is better to reconcile a fair valuation than it is to have a speedy result but a dissatisfied finder.

It is anticipated that the projected increase in reported finds will place an even greater burden on a presently overworked system; the present meetings are becoming longer with the increase in cases. The committee is already looking at ways to handle the expected increase without sacrificing the integrity of individual cases. This may mean increasing the number of meetings which currently stand at eight per year. Although, this will do nothing to ease the burden on the administration necessary before finds are placed before the *Treasure Valuation Committee*. It has been suggested to me, by a number of finders, that there is a case for disclaiming some finds at an earlier stage, for example, at the time when finds are reported to the Finds Liaison Officers or deposited with a museum. This could eliminate the time taken in reporting to coroners by the National Museum. It is difficult, however, to see how this could work under the present system.

Two of the items we will look at next time are: The Key Criteria for submitting valuations to the Treasure Valuation Committee.

The role of the *Treasure Registrar*.

