

# Treasure Act 1996

## 1996 CHAPTER 24

*An Act to abolish treasure trove and to make fresh provision in relation to treasure*

[4th July 1996]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Meaning of "treasure"*

#### **1 Meaning of "treasure"**

(1) Treasure is—

(a) any object at least 300 years old when found which—

(i) is not a coin but has metallic content of which at least 10 per cent by weight is precious metal;

(ii) when found, is one of at least two coins in the same find which are at least 300 years old at that time and have that percentage of precious metal; or

(iii) when found, is one of at least ten coins in the same find which are at least 300 years old at that time;

(b) any object at least 200 years old when found which belongs to a class designated under section 2(1);

(c) any object which would have been treasure trove if found before the commencement of section 4;

(d) any object which, when found, is part of the same find as—

(i) an object within paragraph (a), (b) or (c) found at the same time or earlier; or

(ii) an object found earlier which would be within paragraph (a) or (b) if it had been found at the same time.

(2) Treasure does not include objects which are—

(a) unworked natural objects, or

(b) minerals as extracted from a natural deposit,

or which belong to a class designated under section 2(2).

#### **2 Power to alter meaning**

(1) The Secretary of State may by order, for the purposes of section 1(1)(b), designate any class of object which he considers to be of outstanding historical, archaeological or cultural importance.

(2) The Secretary of State may by order, for the purposes of section 1(2), designate any class of object which (apart from the order) would be treasure.

(3) An order under this section shall be made by statutory instrument.

(4) No order is to be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

### **3 Supplementary**

(1) This section supplements section 1.

(2) "Coin" includes any metal token which was, or can reasonably be assumed to have been, used or intended for use as or instead of money.

(3) "Precious metal" means gold or silver.

(4) When an object is found, it is part of the same find as another object if—

(a) they are found together,

(b) the other object was found earlier in the same place where they had been left together,

(c) the other object was found earlier in a different place, but they had been left together and had become separated before being found.

(5) If the circumstances in which objects are found can reasonably be taken to indicate that they were together at some time before being found, the objects are to be presumed to have been left together, unless shown not to have been.

(6) An object which can reasonably be taken to be at least a particular age is to be presumed to be at least that age, unless shown not to be.

(7) An object is not treasure if it is wreck within the meaning of Part IX of the Merchant Shipping Act 1995.

### *Ownership of treasure*

#### **4 Ownership of treasure which is found**

(1) When treasure is found, it vests, subject to prior interests and rights—

(a) in the franchisee, if there is one;

(b) otherwise, in the Crown.

(2) Prior interests and rights are any which, or which derive from any which—

(a) were held when the treasure was left where it was found, or

(b) if the treasure had been moved before being found, were held when it was left where it was before being moved.

(3) If the treasure would have been treasure trove if found before the commencement of this section, neither the Crown nor any franchisee has any interest in it or right over it except in accordance with this Act.

(4) This section applies—

- (a) whatever the nature of the place where the treasure was found, and
- (b) whatever the circumstances in which it was left (including being lost or being left with no intention of recovery).

## **5 Meaning of “franchisee”**

(1) The franchisee for any treasure is the person who—

- (a) was, immediately before the commencement of section 4, or
- (b) apart from this Act, as successor in title, would have been,

the franchisee of the Crown in right of treasure trove for the place where the treasure was found.

(2) It is as franchisees in right of treasure trove that Her Majesty and the Duke of Cornwall are to be treated as having enjoyed the rights to treasure trove which belonged respectively to the Duchy of Lancaster and the Duchy of Cornwall immediately before the commencement of section 4.

## **6 Treasure vesting in the Crown**

(1) Treasure vesting in the Crown under this Act is to be treated as part of the hereditary revenues of the Crown to which section 1 of the Civil List Act 1952 applies (surrender of hereditary revenues to the Exchequer).

(2) Any such treasure may be transferred, or otherwise disposed of, in accordance with directions given by the Secretary of State.

(3) The Crown's title to any such treasure may be disclaimed at any time by the Secretary of State.

(4) If the Crown's title is disclaimed, the treasure—

- (a) is deemed not to have vested in the Crown under this Act, and
- (b) without prejudice to the interests or rights of others, may be delivered to any person in accordance with the code published under section 11.

## *Coroners' jurisdiction*

## **7 Jurisdiction of coroners**

(1) The jurisdiction of coroners which is referred to in section 30 of the Coroners Act 1988 (treasure) is exercisable in relation to anything which is treasure for the purposes of this Act.

(2) That jurisdiction is not exercisable for the purposes of the law relating to treasure trove in relation to anything found after the commencement of section 4.

(3) The Act of 1988 and anything saved by virtue of section 36(5) of that Act (saving for existing law and practice etc) has effect subject to this section.

(4) An inquest held by virtue of this section is to be held without a jury, unless the coroner orders otherwise.

## **8 Duty of finder to notify coroner.**

(1) A person who finds an object which he believes or has reasonable grounds for believing is treasure must notify the coroner for the district in which the object was found before the end of the notice period.

(2) The notice period is fourteen days beginning with—

(a) the day after the find; or

(b) if later, the day on which the finder first believes or has reason to believe the object is treasure.

(3) Any person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to—

(a) imprisonment for a term not exceeding three months<sup>1</sup>;

(b) a fine of an amount not exceeding level 5 on the standard scale; or

(c) both.

(4) In proceedings for an offence under this section, it is a defence for the defendant to show that he had, and has continued to have, a reasonable excuse for failing to notify the coroner.

(5) If the office of coroner for a district is vacant, the person acting as coroner for that district is the coroner for the purposes of subsection (1).

## **9 Procedure for inquests**

(1) In this section, “inquest” means an inquest held under section 7.

(2) A coroner proposing to conduct an inquest must notify—

(a) the British Museum, if his district is in England; or

(b) the National Museum of Wales, if it is in Wales.

(3) Before conducting the inquest, the coroner must take reasonable steps to notify—

(a) any person who it appears to him may have found the treasure; and

(b) any person who, at the time the treasure was found, occupied land which it appears to him may be where it was found.

(4) During the inquest the coroner must take reasonable steps to notify any such person not already notified.

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<sup>1</sup> This penalty has been increased to 51 weeks by the Criminal Justice Act 2003, section 280(2) and Schedule 26, paragraph 48. That provision was not in force as at 30 June 2003.

- (5) Before or during the inquest, the coroner must take reasonable steps—
- (a) to obtain from any person notified under subsection (3) or (4) the names and addresses of interested persons; and
  - (b) to notify any interested person whose name and address he obtains.
- (6) The coroner must take reasonable steps to give any interested person notified under subsection (3), (4) or (5) an opportunity to examine witnesses at the inquest.
- (7) In subsections (5) and (6), “interested person” means a person who appears to the coroner to be likely to be concerned with the inquest—
- (a) as the finder of the treasure or otherwise involved in the find;
  - (b) as the occupier, at the time the treasure was found, of the land where it was found, or
  - (c) as having had an interest in that land at that time or since.

### *Rewards, codes of practice and report*

#### **10 Rewards**

- (1) This section applies if treasure—
- (a) has vested in the Crown under section 4; and
  - (b) is to be transferred to a museum.
- (2) The Secretary of State must determine whether a reward is to be paid by the museum before the transfer.
- (3) If the Secretary of State determines that a reward is to be paid, he must also determine, in whatever way he thinks fit—
- (a) the treasure’s market value;
  - (b) the amount of the reward;
  - (c) to whom the reward is to be payable; and
  - (d) if it is to be payable to more than one person, how much each is to receive.
- (4) The total reward must not exceed the treasure’s market value.
- (5) The reward may be payable to—
- (a) the finder or any other person involved in the find;
  - (b) the occupier of the land at the time of the find;
  - (c) any person who had an interest in the land at that time, or has had such an interest at any time since then.
- (6) Payment of the reward is not enforceable against a museum or the Secretary of State.

(7) In a determination under this section, the Secretary of State must take into account anything relevant in the code of practice issued under section 11.

(8) This section also applies in relation to treasure which has vested in a franchisee under section 4, if the franchisee makes a request to the Secretary of State that it should.

## **11 Codes of practice**

(1) The Secretary of State must—

- (a) prepare a code of practice relating to treasure;
- (b) keep the code under review; and
- (c) revise it when appropriate.

(2) The code must, in particular, set out the principles and practice to be followed by the Secretary of State—

- (a) when considering to whom treasure should be offered;
- (b) when making a determination under section 10; and
- (c) where the Crown's title to treasure is disclaimed.

(3) The code may include guidance for—

- (a) those who search for or find treasure; and
- (b) museums and others who exercise functions in relation to treasure.

(4) Before preparing the code or revising it, the Secretary of State must consult such persons appearing to him to be interested as he thinks appropriate.

(5) A copy of the code and of any proposed revision of the code shall be laid before Parliament.

(6) Neither the code nor any revision shall come into force until approved by a resolution of each House of Parliament.

(7) The Secretary of State must publish the code in whatever way he considers appropriate for bringing it to the attention of those interested.

(8) If the Secretary of State considers that different provision should be made for—

- (a) England and Wales, and
- (b) Northern Ireland,

or that different provision should otherwise be made for treasure found in different areas, he may prepare two or more separate codes.

## **12 Report on operation of Act**

As soon as reasonably practicable after each anniversary of the coming into force of this section, the Secretary of State shall lay before Parliament a report on the operation of this Act in the preceding year.

## *Miscellaneous*

### **13 Application of Act to Northern Ireland**

In the application of this Act to Northern Ireland—

(a) in section 7—

(i) in subsection (1), for “section 30 of the Coroners Act 1988” substitute “section 33 of the Coroners Act (Northern Ireland) 1959”;

(ii) in subsection (3), for the words from “1988” to “practice etc)” substitute “1959”;

(b) in section 9(2), for the words from “British Museum” to the end substitute “Department of the Environment for Northern Ireland”.

### **14 Consequential amendments**

(1) In section 33 of the Coroners Act (Northern Ireland) 1959 (inquest on treasure trove), for “treasure trove” substitute “treasure”.

(2) In section 54(3) of the Ancient Monuments and Archaeological Areas Act 1979 (saving for rights in relation to treasure trove) for “in relation to treasure trove” substitute “under the Treasure Act 1996”.

(3) In Article 42 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 (reporting of archaeological objects)—

(a) after paragraph (10) insert-

“(10A) This Article does not apply in relation to an object if the person who found it believes or has reasonable grounds for believing that the object is treasure within the meaning of the Treasure Act 1996.”;

(b) in paragraph (11)(a) for “treasure trove” substitute “any treasure within the meaning of the Treasure Act 1996”.

(4) Subsections (2) and (3)(b) have effect in relation to any treasure found after the commencement of section 4.

(5) Subsection (3)(a) has effect in relation to any object found after the commencement of section 8.

### **15 Short title, commencement and extent**

(1) This Act may be cited as the Treasure Act 1996.

(2) This Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.

(3) This Act does not extend to Scotland.