



Northern Ireland Museums Council

Guidance to Local Museums on Reporting Archaeological Finds and Treasure

Introduction

This guidance is provided with the intention of ensuring that the reporting of archaeological finds is done proficiently and consistently, and in line with the current legislation.

Local museums are often the 'first port of call' for members of the public and therefore this paper aims to assist staff at local museums in Northern Ireland who are approached by members of the public with enquiries concerning archaeological finds. As such they have an important role to play in ensuring that finds are reported to the bodies with a statutory function in this regard, namely the Northern Ireland Environment Agency (NIEA) and National Museums Northern Ireland (NMNI). Their assistance in drafting this paper has been invaluable.

Legislation and Guidance

Both the NIEA, as an agency of the Department of the Environment, and the National Museums Northern Ireland, as the successor to the Ulster Museum, have specified responsibilities under the related legislation, particularly The Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, and The Treasure Act 1996, with its amendment under the Treasure (Designation) Order 2002.

Links to these Orders and Act are found below, as are the links to the separate guidance issued to the public by the NIEA on finding treasure and metal detecting.

Archaeological Objects

The Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 requires anyone finding such objects to report their discovery and, where possible, to deposit the object(s) with a relevant authority within 14 days. While the "relevant authority" is defined in the legislation, people can perceive this to be their local museum. Thus individuals may arrive with an object, or wanting to report a find. This can occur soon after an artefact is unearthed, however, the legislation also covers archaeological objects that might not have been considered such until now, or that have been recently 'discovered' - for instance, an object that has been in a house for some time.

Treasure

It is possible that a person comes to a local museum to report a find that, on inspection, must be categorised as Treasure. The definition of Treasure is somewhat complex, but in short, as recognised by NIEA, it can be said to comprise:

- An 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.
- 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 per cent 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 will not normally be treasure.

- 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.
- Prehistoric objects: two or more associated objects of base metal (eg bronze or iron) and of prehistoric date (ie Iron Age or earlier)
- 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 of their heirs cannot be traced.

It is important to recognise that 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.

As with other archaeological objects, all finds of Treasure must be reported either within 14 days after the day on which the discovery was made or within 14 days after the day on which it was realised that the find might be treasure. The obligation to report finds applies to everyone, and thus could include museum personnel.

Reporting Procedures

Archaeological Objects

A find of archaeological material must be reported and surrendered within 14 days to a "relevant authority", meaning;

- The National Museums Northern Ireland
(contact the Curator of Archaeology on 028 9039 5232)

Or

- NIEA, Built Heritage Directorate, Department of the Environment (contact Survey, Licensing and Treasure Team on 028 9054 3041)

Or

- A local police station

Should the local museum receive the initial enquiry by telephone or e-mail, you should establish if the material is *in situ* or has been taken out of its archaeological context.

If it is *in situ*, then the person should be advised not to move it, but note its location and photograph it, if possible. You should take their contact details and gain agreement that the find is reported by you to one of the organisations above.

If the object is 'out of context', you should take their contact details and encourage them to bring the material to the museum for assessment.

Upon the presentation of archaeological material at your museum you should:

1. Record the name, address and contact details of the person presenting the material

2. Ascertain
 - a. if they were the finder of the object
 - b. if they are the owner of the land on which the object was found, and if not, do they know who the landowner is
 - c. their level of archaeological expertise
 - d. where, and when it was found (with a map reference if possible)
 - e. how deep in the ground it was found and any other circumstances around its discovery
3. If it was recently unearthed, advise the person not to undertake any further excavation
4. Examine the material and assess if it might be deemed Treasure (see procedures below) or if it includes human remains (see procedures below).
5. Seek the consent of the person to photograph the find. When taking digital photographs it is preferable to include a scale and take multiple aspects, while setting the material against a plain contrasting background.
6. Agree who will report the find to the relevant authority; whether they will do so or that you will do so. The photographs provide useful evidence as part of the report and should be e-mailed on as part of the process.
7. Agree who will hold the material prior to investigation. If it is to be deposited with your museum, then you should implement your 'object in' procedures, including the completion of standard entry forms and the provision of a receipt. The appropriate 'object out' procedures will then need to be completed when the material leaves your care.

Treasure

If, having reached step 4 above, you believe that the find could meet the definition of treasure then the following procedures need to be implemented.

1. Inform the finder that the law requires a treasure find to be reported to the Coroner within 14 days of it being found and that it is an offence not to do so.
2. Inform the finder that you also need to inform the NIEA and NMNI of the find and where it was located.
3. It is recommended that NIEA or NMNI make the report to the Coroner. Both bodies have experience in doing this and will ensure that the report is comprehensive and consistent with what is required.
4. Assure the finder that other than these reports, the information provided to you will be kept confidential, if they so wish.
5. Seek the consent of the person to photograph the find. When taking digital photographs it is preferable to include a scale and take multiple aspects, while setting the material against a plain contrasting background.
6. Agree who will hold the material prior to investigation. If it is to be deposited with your museum, then you should implement your 'object in' procedures, including the completion of standard entry forms and the provision of a receipt. The appropriate 'object out' procedures will then need to be completed when the material leaves your care.
7. If you are not already holding the items, you may be asked to do so by the Coroner, or to transfer it to NMNI.

Further information on the process of determining treasure, the acquisition of treasure by museums, valuation and rewards is available from the NIEA and its publications.

<http://www.doeni.gov.uk/niea/treasureact.pdf>

Occupiers and landowners have the right to be told about any finds of Treasure on their land and, along with the finder, can get a reward.

Following the preparation of a report on the finds sent to the Coroner, an inquest will be held in the Coroners court. The inquest will decide if the find is treasure, who the finder is and where and when the object was found. It is normal for the PSNI to have taken statements from the finder and landowner, who will be asked to attend the hearing. If the Coroner declares the find Treasure, the objects are sent to the Department of Portable Antiquities and Treasure in the British Museum, where they will be valued by the Treasure Valuation Committee. Subsequently the finder, the landowner and National Museums Northern Ireland will have an opportunity to comment on the valuation. When a final valuation is agreed the object is offered for acquisition, in the first instance to NMNI. The value of the object purchased is split 50/50 between the landowner and finder.

Archaeological objects found in the ground, unless covered by the Treasure regulations, are usually deemed to belong to the owner of the land on which they were found. The removal of such objects without the owner's consent could be regarded as theft.

Human Remains

A member of the public may come to your museum after finding human remains. These can be found during gardening, agricultural or construction work or following storms when trees are uprooted, land shifts and other such instances.

If, when implementing the reporting procedures above relating to archaeological objects, it becomes apparent that the find includes human remains you must ensure that, in addition to capturing information on where and when they were found, the find is reported to the police.

You should impress upon the finder not to touch the remains and avoid disturbing the ground in their vicinity in order not to influence the evidence of either a modern scene of crime or ancient burial.

Legislation

As indicated earlier, there are various pieces of legislation which relate directly to archaeological finds and treasure. These include;

- The Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995
<http://www.legislation.gov.uk/nisi/1995/1625/contents>

It is recommended that local museum personnel are aware particularly of:

- Article 29 of the Order, which concerns the use of metal detecting devices. In addition, the NIEA has issued A Guide to Metal Detecting, Archaeology and the Law – copies of which are available at
http://www.doeni.gov.uk/niea/metal_detector_single_pages.pdf
 - Article 41, covering the restrictions for searching for archaeological objects
 - Article 42, that sets out the details of reporting archaeological finds.
- The Treasure Act 1996, with its amendment under the Treasure (Designation) Order 2002.
<http://www.legislation.gov.uk/ukpga/1996/24/contents>
<http://www.legislation.gov.uk/ukdsi/2002/0110424700/contents>

Associated Contact Details

National Museums Northern Ireland – Curator of Archaeology 028 9039 5232
DOE/Northern Ireland Environment Agency – Survey, Licensing and Treasure Team 028 9054 3041

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