



CHIEF CORONER

TREASURE

A PRACTICAL GUIDE FOR CORONERS

Communications

1. The British Museum (BM) and the National Museum Wales (NMW) prefer communications to be by email:

BM – treasure@britishmuseum.org

NMW – treasure@museumwales.ac.uk

2. It is important that the correct museum reference is quoted in all communications.

Standard forms and letters

3. The forms and letters accompanying this Guide are intended for use in all standard treasure cases. The forms can be identified by the abbreviation “TF” (treasure form) and are numbered TF 1 – TF 2. The letters can be identified by the abbreviation “TL” (treasure letter) and are numbered TL 1 – TL 10.
4. Appropriate recipients, parties and information may differ depending on the individual circumstances of the case and whether the case is held in England or Wales. Throughout the forms and letters, where information will differ, the appropriate options are contained in square brackets. The square brackets should be removed and the appropriate information inserted or the non-applicable information deleted before the form or letter is sent to the recipients.

The Report

5. In England, a person who finds an item which may be treasure¹ (the Finder) must make a report to the local Finds Liaison Officer (FLO) and deliver the item to the FLO (not to the Coroner). The FLO will issue a Receipt² to the Finder and assist in establishing the relevant details. The FLO will send a copy of the Receipt to the Coroner.
6. In Wales, the Finder must make a report to the Coroner and the Portable Antiquities Scheme Cymru Coordinator (PAS Coordinator). The PAS Coordinator will issue a Receipt to the Finder and assist in establishing the relevant details.

¹ For the meaning of Treasure, see sections 1-3, Treasure Act 1996 (as amended).

² See Appendix 5 to the Treasure Act 1996 Code of Practice (revised).

The relevant NMW curator will be responsible for checking the details on the Receipt and sending a copy to the Coroner.

7. The Coroner should then send a suitable letter (TL1) with a completed Acknowledgement of Report of Find (TF1) to the Finder(s), Landowner and Occupier (if different). The Coroner should include in TL1 a request for the Finder/Occupier to provide the names and addresses of interested persons, including the Landowner (if different to the Occupier), where this information has been omitted from the Receipt. The coroner must take reasonable steps to obtain this information in order to comply with his/her duties under section 9 of the Treasure Act 1996. The Coroner should also tell the FLO (England)/NMW curator (Wales) that Acknowledgments have been sent (TL2).
8. The Coroner should not open an Inquest at this stage.

Advice to the Coroner

9. A report will be written for the Coroner as to whether or not the find is likely to constitute treasure. This report will be written by a suitably experienced authority in that type of material. In England it could be the FLO or a local colleague, or the appropriate curator at the British Museum; if the FLO writes a report on the find, it will normally be checked by the appropriate curator before being endorsed for the Coroner. In Wales the report will always be written by the appropriate curator at the National Museum Wales.

Not Treasure

10. If after investigation by the appropriate FLO/national museum curator the item is clearly not treasure then the Coroner should advise the Finder/Landowner/Occupier (TL3) and confirm this to the BM/NMW (TL4). The Coroner should take no further action.

Disclaimer

11. If the item is likely to be treasure but no museum is interested in acquiring it, the BM/NMW will tell the Coroner that the find can be disclaimed. The Coroner will write accordingly to the Landowner/Occupier (TL5) and back to the BM/NMW (TL6). After 28 days (or sooner if a response is received) the Coroner will report again to the BM/NMW (TL7).

Inquest

12. If the item may be treasure and a museum wishes to acquire it, the Coroner should open and list an Inquest. The Inquest should be listed to take place within three months of the Coroner receiving notification of a museum's interest in the find. Advance notice of the Inquest should be given to the BM/NMW, the FLO (England only) and the local interested museum (England only) (TL8). The Finder/Landowner/Occupier should also be suitably informed (TL9).
13. The purpose of the inquest is to establish whether the find is treasure, who found it, and when and where it was found.
14. In most cases the appropriate FLO/national museum curator will not be required to give evidence at the Inquest, and the report from the BM/NMW will suffice. However, the Coroner may decide that it is necessary for the appropriate

FLO/national museum curator to give evidence at the Inquest in cases where the advice or status of the report is unclear, or details about the discovery are contested.

15. In cases where the appropriate FLO/national museum curator is not required to give evidence at the Inquest and where the Coroner is satisfied that all interested persons do not intend to attend the Inquest, the matter should be determined on the papers alone.
16. Finds are usually referred to by the name of the parish (England)/community (Wales) in which they were found, though occasionally a more vague description, e.g. 'West Essex area', is used. Coroners should be aware of the possible risk of damage to the landowner's property and other items of archaeological significance that may occur as a result of revealing the exact location of the find in open Court. Coroners should refrain, in particular, from announcing the name and address of the landowner or a specific national grid reference.
17. After the Inquest the Coroner should complete a Record of Treasure Inquest (TF2) and report to the BM/NMW (TL10).

Anomalous Cases

18. There will of course be cases where difficulties or contentious issues arise, for example, where ownership of the land on which the find was made is contested. In those circumstances the Coroner will need to use case-specific and non-standard communications beyond the scope of the letters accompanying this Guide. Where ownership of the land is contested, the Coroner should copy any correspondence relating to the dispute to the BM/NMW, making it clear to the recipients that such a copy is being made. This information may be used at a later stage to assist the Treasure Valuation Committee in considering the apportionment of any reward between interested parties.
19. A Coroner may also become aware of cases where persons involved have not acted in accordance with the law. In those circumstances it is for the individual Coroner concerned to determine if the nature of the breach warrants making a formal report to the police.

**HH JUDGE PETER THORNTON QC
CHIEF CORONER**

12 November 2015