



The Queen's and Lord Treasurer's Remembrancer
Treasure Trove Consultation
Unit 5
14 South St Andrew Street
Edinburgh
EH2 2AZ

01 August 2013

Dear Ms Dyer,

Consultation on Review of 'Treasure Trove in Scotland, a Code of Practice'

Thank you for the opportunity to comment on the proposals in this review.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

IfA has over 3,000 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

This response incorporates comments made by IfA's Scottish Group which has over 200 members practising in the public, private and voluntary sector in Scotland. Furthermore, IfA is a member of the Built Environment Forum Scotland (BEFS), a network organisation that brings together non-governmental organisations and professional bodies that work with Scotland's built environment.

Review of 'Treasure Trove in Scotland, a Code of Practice'

General

IfA welcomes the opportunity to comment on the review. The Institute's concern in responding to this consultation is the apparent lack of knowledge demonstrated in current archaeological practice and with professional standards and guidance.

We acknowledge that Treasure Trove (TT) procedure is a mechanism for asserting the rights of the Crown. As a response to individual chance finds (currently 60 per year) it works quite well but was not designed to deal with the results of archaeological excavations. These currently amount to 160 assemblages a year.

A significant concern is that the review puts an emphasis on the number and size of assemblages as an issue in itself. The volume of archaeological work in Scotland cannot be managed by the Treasure Trove system but is to a great extent dictated by the planning process.

Archaeological assemblages are deposited in museums via TT and by this point any material considered of no potential for further research should have been recorded and (if and insofar as

permitted by TT) discarded as a part of the post-excavation process possibly leading to scholarly publication. Thus by dividing the assemblage after deposition further research is hindered contrary to current archaeological thought, practice and guidance. Current TT procedures encourage contracting archaeological units to retain such material and this is the element of the archaeological process that should be altered so that reduced assemblages with research potential are curated.

We appreciate that the Code deals with Treasure Trove, but it would be helpful if it espoused the principle that the value of the excavated assemblages (often including environmental material) is enhanced by the preservation of supporting information.

Specific Comments and Response to Specific Questions

Paragraph 6 should acknowledge AAG.

Paragraph 9 makes no reference to context or provenance of finds i.e. archaeological recovery.

Does the third bullet point of paragraph 12 mean that any disclaimed archaeological archive finds will be thrown away? Or returned to the finder? Please clarify.

Paragraph 17 – The Treasure Trove Unit should not need to be notified of disposal of an allocated item e.g. disposal of bulk finds that have no research potential.

Paragraph 18 – Although it is not legislation, the Code serves as professional guidance and should not be deviated from at whim.

Paragraph 19 – The museums identified in the Code should be ready to accept archaeological archives.

If the references in paragraph 20 to the claiming of an ‘object’ are to be included in the revised Code these should be amended to read ‘object or assemblage of finds’.

Paragraph 22 - We agree.

Paragraph 24 – It is appreciated that the law of *bona vacantia* does not apply to environmental material, but (as the consultation document acknowledges) archaeological archives include ecofacts as well as artefacts. The Code should refer to IfA Standards & guidance in this regard.

Q.1 See the general comment – there is no cognizance of professional archaeological standards (see <http://www.archaeologists.net/codes/ifa>).

Q.2 There should be some awareness of and reference to the role of archaeology within the planning process and development framework.

Paragraphs 29 and 30 - If the finder should report an item to TT then the Code cannot assign this legal requirement to a third party. A separate protocol should be drawn up for aged finds or those where the finder can no longer be found. The third party should only advise, not report a find.

Q.3 and Q. 4 This section is disproportionate for only 60 or so finds per year.

Q.5 The panel should receive professional archaeological advice eg from accredited IfA members and registered organisations and advice from museums other than those that are nationally funded.

Paragraph 45 – The revised Code should refer to, and be consistent with, the nascent national archaeology strategy. This should help, for instance, to ensure that all material (including ecofacts) receives due consideration whether or not it is covered by Treasure Trove. Furthermore, the assertion in paragraph 45 that if a museum does not bid for an assemblage then that assemblage has no research potential is flawed. There are very few archaeological curators generally;

museum funding is limited and they may be unable to accept large assemblages.

Paragraph 47 - There is pressure on all museum resources.

Paragraph 49 – Archaeological remains are a fragile, non-renewable resource and having a central point to organise the deposition of archaeological archives is of immense benefit. The usual term is 'contracting archaeological units' not 'excavation companies'.

Paragraph 50 – An alternative suggestion would be that the system is not working properly. The amount of material being put through TT suggests that the results of archaeological fieldwork are not being brought to museums' attention.

Paragraph 53 – IfA does not support the proposal in this paragraph. Such decisions should be made by (or upon the advice of) archaeologists with demonstrable expertise acting in accordance with professional standards.

Paragraph 55 – IfA does not support the proposal in this paragraph. The Code should be informed by and reflect archaeological archiving practice and understanding of the value of assemblages and their integrity.

Paragraph 56 - This needs to fit in with existing procedures. Contracting archaeological units do not deposit until post-excavation is complete. There is a presumption, in retaining material instead of disposal during this process, derived from TT itself. Therefore by the time the archive is deposited its potential should be clear. However, the system of Data Structure Reports in Scotland does not lend itself to this disposal in the same way that MAP2 and MORPHE procedures do in England.

Paragraph 57 - The Waverley Criteria are not best suited to archaeology. Criteria akin to those for the scheduling of ancient monuments might be more applicable.

Q. 6. There should be better information from Contracting Archaeological Units and liaison with museums. Ultimately, input from accredited archaeological practitioners consistently applying professional archaeological standards is required. IfA produces Standards and guidance for archaeology (<http://www.archaeologists.net/codes/ifa>) and accredits practitioners and organisations (<http://www.archaeologists.net/about>).

Q. 7 The amount of material passing through the TT system should not be controlled as it reflects what archaeological excavations are underway. Archaeological Units should be able to discard material during analysis in liaison with museums.

Q.8. The proposals fail to recognise the real problems of the system.

Paragraph 77 - Splitting the archaeological archive should be avoided.

Q.9 It is unrealistic to suggest that there might be proposals to remove obstacles to allocation to a museum that would not require additional resources.

Q.10 No comment.

Q.11 In practice it is unlikely that museums will be bidding against each other.

Q.12 No comment.

Q.13 The proposal seems sensible.

Q.14 Any arrangements should be voluntary since mandatory requirements may cause problems for museums.

Q.15 No comment.

Q.16 No comment.

Q.17 No comment.

Q.18 The appointment of finds liaison officers utilising a model similar to that of the Portable Antiquities Scheme in England and Wales has the potential significantly to increase the reporting of chance finds.

Q.19 No comment.

Q.20 No comment.

If there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Policy Advisor