



SCOTTISH EXECUTIVE

Education Department

TREASURE TROVE IN SCOTLAND

INFORMATION ON TREASURE TROVE PROCEDURES

CRITERIA FOR ALLOCATION AND THE ALLOCATION PROCESS

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INTRODUCTION

This information is for those who wish to acquire material which has been claimed by the Crown under Scotland's Treasure Trove/*bona vacantia* law. It will eventually form part of a set of Guidelines covering all aspects of Treasure Trove procedures, to be issued to the Scottish museum community. It is designed to:

- inform potential bidders of the criteria used by the Treasure Trove Advisory Panel (TTAP) in arriving at their recommendations to the Queen's and Lord Treasurer's Remembrancer (Q<R) for the allocation of material, and
- explain how the allocation system operates, showing the respective roles of the TTAP and the Q<R

and thereby to ensure that the system works efficiently and effectively, with bidders fully aware of their rights and responsibilities.

The criteria for allocation and the allocation process will be reviewed in the light of experience of their operation no later than two years after their introduction.

It is important to emphasise that the allocation system is designed to ensure that objects claimed as Treasure Trove remain in the public domain and are preserved in perpetuity in publicly accessible collections.

CRITERIA FOR ALLOCATION

The process of allocating material to recipient institutions is carried out by the TTAP and the Q<R. The role of the TTAP - as an advisory panel with requisite specialist knowledge - is to consider each case individually, applying the allocation criteria fairly. The ensuing recommendation is then communicated to the Q<R, who makes the final decision by assessing whether the TTAP has correctly followed the procedures and applied the criteria fairly and judiciously. The members of the TTAP are the experts and the Q<R will not challenge their professional judgement.

Details of the TTAP membership and the Secretariat are set out in the Annex. Changes in the membership will be notified in Tak Tent, the monthly news service of the Scottish Museums Council.

The criteria used by the TTAP fall into 3 categories:

- 1) eligibility;
- 2) conservation and curation considerations; and
- 3) other factors.

In deliberating a particular case, the TTAP take into account that not all the bidding institutions are identical in their needs, responsibilities, and roles. Some museums may have as their main priority the desire to display locally-found material to the local community. Others may seek to communicate the past of a wider geographical area, and/or may aim (through maintaining study collections) to operate as "regional" centres for research. The National Museums of Scotland are acknowledged to have a particular role within Scotland as the principal repository of the national collections of historical and archaeological material, and as the principal locus for research into Scotland's material cultural heritage.

The TTAP and the Q<R expect bidding institutions to co-operate with each other by familiarising themselves with each other's collecting policies, by exchanging bids and harmonising them as far as possible, and by seeking to make provision for the lending of allocated material for display elsewhere if requested.

1. Preliminary assessment criteria

1.1 Eligibility: is the bidder eligible to bid for the material? And does the item fall within the scope of the institution's stated collecting policy?

Traditionally, the only institutions eligible to bid for Crown-claimed material have been those on the Scottish Museum Council's (SMC's) "Approved" List, plus the National Museums of Scotland. Henceforth, eligibility to bid will depend on full Museums and Galleries Commission (MGC) "Registered" status. (Possession of provisional "Registered" status may be acceptable; the TTAP will seek the advice of the SMC in such cases.)

Bidding institutions should - in fulfilling the criteria for MGC Registration - have a clear written collecting policy, with the geographical, chronological, and thematic scope of their collecting aspirations spelt out. It is the responsibility of the bidding institution to ensure that an up-to-date version of the collecting policy is lodged with the TTAP Secretariat. Bids for material falling outwith the collecting policy cannot be entertained.

1.2 Has a bid been received from an eligible bidder?

No institution can be considered for allocation of Crown-claimed material unless it submits a written bid. The bidding institution must have a reasonable expectation of being able to pay the ex gratia reward, and the bid should indicate the expected source(s) of funding. An initial estimate of the ex gratia reward, based (where possible) on hammer price¹ sale figures for similar or comparable material, is available from the Secretariat prior to the TTAP meeting. The initial estimate may be revised by the TTAP at its meeting.

¹ Gross amount of successful bid at auction: see forthcoming Guidelines for further details

2. Conservation and curation considerations

2.1 In the case of material with special conservation requirements, can the bidder demonstrate that these will be met?

Most Crown-claimed material has routine requirements for retention in environmentally-controlled conditions, and the provision of adequate conditions is a criterion of MGC Registration. However, from time to time, some items appear which need special conservation monitoring or intervention in order to maintain their physical integrity in perpetuity. In these cases, bidders will be notified of this special requirement, and will be required to demonstrate their ability to provide the requisite additional conservation cover as specified by the TTAP.

2.2 Integrity of assemblages

Associated finds (eg artefact assemblages from archaeological fieldwork, all non-coin hoards, and many coin hoards) are allocated in *their entirety*: individual items are **not** separated out, and assemblages are not split between recipient institutions. Coin hoards will normally be allocated *en bloc*, unless in the opinion of the TTAP good reasons to split them have been presented. Containers for coin hoards, and any associated non-coin material, are included in the allocation.

In the case of assemblages where material from the same site already exists in one or more museum collection, the principle of not splitting finds from a site will apply here too. Allocation will normally be made to the museum which already possesses the earlier finds - or, in cases where material is already in more than one museum - to the institution which holds the main collection. However, the TTAP does not rule out the possibility that some other museum might present convincing evidence that it has developed in such a way as to become a credible repository for such material

3. Other factors

3.1 Enhancement of local heritage interpretation

It is acknowledged that there are more institutions capable of curating and displaying material than was the case when the TTAP was formed in 1969. It is also acknowledged that MGC-Registered museums have a legitimate wish to present the material cultural heritage of their collecting areas to the people who live and visit there. Although there can be no automatic allocation of material, there will be a presumption that material should be allocated locally unless a convincing argument for allocating it elsewhere is presented.

3.2 National importance

For the purposes of the TTAP, material is defined as being of national importance if:

- it is a rare or unique type in a Scottish context or part of an associated group containing such material; or
- it is of particularly high quality within its type; or
- although neither rare nor of particularly high quality, it nevertheless provides significant information (eg concerning the methods used in its manufacture or the nature of its subsequent use) not normally found on objects of its type; or
- although neither fine nor part of an associated group containing high quality objects, the contextual information of the object or group is of an exceptional nature.

The key role of the National Museums of Scotland (NMS) will be taken into account in considering allocations of nationally important material for which NMS have bid. However, the allocation of such items to NMS will be by no means automatic. The TTAP will require the NMS to demonstrate fully that there are clear advantages, in serving the national interest, in allocating a find to the NMS rather than to another bidding institution.

3.3 Potential to maximise public accessibility to, and understanding of, the material

This criterion will include consideration of the bidders' ability and proposals to contextualise material in a public display; the ways in which the item is to be made accessible (eg through display, publication, electronic media etc); and whether the material would be exhibited in a temporary or permanent display.

THE ALLOCATION PROCEDURE

The basic structure of the allocation procedure has been outlined above, and is described in more detail below. The procedure whereby bidding institutions may request a review of the TTAP's recommendation on allocation is a relatively recent introduction in the Treasure Trove process, having been instigated by the Q<R in 1994 following a broader review of the system in general. Its introduction was designed to make the system more openly fair and accountable, by allowing relevant bodies the opportunity to participate fully in the procedure prior to the Q<R's decision making.

Experience over the first two years of its operation has demonstrated that there is scope for procedural improvements, and these are built into the following description of the procedure. The disquiet amongst finders over the delay in receiving ex gratia rewards in cases where the TTAP's recommendation has been challenged is to be allayed by ensuring that the TTAP meets three times a year, with no counter-bid case lasting beyond the course of two meetings.

The procedure

- As in the past, notification of newly claimed material will be made exclusively through *Tak tent*, the SMC's monthly news service.
- Bidders must submit bids to the TTAP Secretariat ^{AS ADVISED} ~~no later than four weeks~~ before an impending TTAP meeting, the date of which will be notified in *Tak tent*. The bid should take account of all the criteria used by the TTAP in arriving at an allocation recommendation. Bidders are advised to take due consideration of composition and presentation in making their bids (eg faxed hand-written bids are unlikely to impress the TTAP).
- Any counter-bids for an item will be notified by the Secretariat to the other bidders involved and the bids exchanged to allow informal discussion of them. It is hoped that this process will, in many cases, result in an agreement that only one institution pursues the bid. The TTAP Secretariat must be notified of any such agreements, or any additions to the bids, in written form ~~at least one week before the TTAP~~ ^{AS ADVISED} ~~meeting~~ _{BY TTAP SECRETARIAT}. This will be the last opportunity for the bidding institution to present evidence in support of its bid, and at this stage all bids are closed.
- The TTAP will consider all bids on the basis of the criteria for allocation set out above and the Panel's recommendations will be conveyed to the Q<R by the Secretariat.
- In contested cases a written summary of the Panel's reasons for its recommendations will be communicated by the Secretariat to the bidders concerned.

- Any bidder not persuaded that the TTAP has correctly applied its own stated criteria in arriving at its recommendation may make representations to the Q<R directly, **within 14 days**, to request a review. The Q<R will consider the request by determining whether the TTAP has acted in accordance with the procedures, and has arrived at a decision on the basis of a fair and full consideration of the criteria.
- **The Q<R's decision is final.**

TREASURE TROVE ADVISORY PANEL

Members appointed by the Scottish Ministers (formerly by the Secretary of State)

Dr Barbara Crawford, Chair: Lecturer, Department of Medieval History, University of St Andrews

Mr Neil Curtis, Senior Curator, Marischal Museum, University of Aberdeen

Mr John Pickin, Curator, Stranraer Museum

Miss Lisbeth Thoms, Museums Consultant

Member nominated by the Director of the National Museums of Scotland

Dr David Clarke, Keeper of Archaeology, National Museums of Scotland OR

Dr Alison Sheridan, Assistant Keeper of Archaeology, National Museums of Scotland

Secretariat

Mr Alan Saville, Head of Secretariat, c/o National Museums of Scotland

Ms Jenny Shiels, Treasure Trove Administrator, c/o National Museums of Scotland

