

Treasure Trove Review 2024



King's and Lord
Treasurer's Remembrancer



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Roman vessel mount with the head of Medusa, c.100 BCE – 100 CE. *Dumfries and Galloway* (left)

Late Medieval seal matrix, c.1300 – 1500 CE. *Fife* (top right)

Late Bronze Age socketed axe head, c.1000 – 800 BCE. *Perth and Kinross* (bottom right)

Introduction

This Review of the treasure trove system in Scotland was commissioned by the King's and Lord Treasurer's Remembrancer (KLTR), the Crown's representative in Scotland who deals with ownerless property, known in law as *bona vacantia*. Archaeological finds (or finds of "portable antiquities") made in Scotland are a category of *bona vacantia*.

Terms of reference were drawn up and the Review was announced publicly in April 2023 with work beginning in September 2023. The Review was tasked with considering and consulting on the arrangements for dealing with finds of portable antiquities in Scotland under the law relating to treasure trove and *bona vacantia*, with reference in particular to:

1. sustaining, adapting and improving the treasure trove system in the context of continuing growth in the numbers of finds reported.
2. clarifying organisational responsibilities and relationships in running the treasure trove system, enabling collaboration and participation of the interested organisations, excavators and finders.
3. addressing areas of policy and strategy not covered in the existing Treasure Trove Code of Practice.
4. informing a pending review of the procedures set out in the Treasure Trove Code of Practice.

The Review was carried out by a team employed for the purpose by the KLTR Office, comprising Marcus Dean, Secretary, and Sarah Kavanagh, Policy Support Officer, chaired by Dr Stuart Allan, former Keeper of Scottish History & Archaeology at National Museums Scotland (a role that included management oversight of the Treasure Trove Unit, and *ex officio* membership of the Scottish Archaeological Finds Allocation Panel). The Review team was strongly supported throughout by the Chief Executive Officer and staff of the KLTR Office.

To help guide the process of designing and conducting the Review, an advisory group was convened from senior members of selected stakeholder and representative organisations (for details see page 50). The organisations represented on the group each also participated in stakeholder engagement and the Review's public consultation separately from their Advisory Group contribution. The recommendations which follow are the conclusions of the Review team alone.

Between September 2023 and July 2024, the Review team conducted a programme of meetings with stakeholder organisations and selected individuals with experience of the treasure trove system from different perspectives. These included participants in equivalent systems across the UK and internationally, providing informative comparisons. Members of the Review team attended selected events and accompanied Treasure Trove Unit staff in outreach work, met finders and museum staff at museum venues in different parts of Scotland.

A public consultation was conducted via links on the KLTR website from 19 February to 13 May 2024. Of 131 completed responses, 94 were submitted by individuals and 37 were submitted by organisations principally in the museum, archaeology and wider heritage sector, including finders' membership organisations. Analysis of the public consultation response appears alongside a report on the stakeholder engagement programme and other research in Parts 3 and 4.

The research and assessment conducted by the Review was essentially qualitative. Numerical data was examined wherever possible, but consistent figures over extended time periods on matters such as finds reported, processing times, estimated numbers of metal detectorists active in Scotland etc., either are not available or are limited by complexities

and caveats. There is a need for up-to-date research on trends in the different aspects of archaeological activity which interact with the system. Our findings and recommendations rest heavily on assessing the observations, opinions and ideas about the system brought to our attention through stakeholder engagement across a range of perspectives and experience, on analysis of the responses submitted to the public consultation, and on observing the operation of the system across the period of the Review.

The Review team is grateful to every respondent for their interest, goodwill and careful consideration of the issues raised and discussed with us in meetings, correspondence and through the public consultation. We also appreciate the input of the Advisory Group in our efforts to make the Review as comprehensive and objective as possible.

We would additionally like to thank our wider UK and international colleagues for their welcome and support in informing our assessment of treasure trove in Scotland. We also acknowledge the openness and professionalism with which the Review has been received and informed by the staff of the Treasure Trove Unit at National Museums Scotland.

This report was submitted to the King's and Lord Treasurer's Remembrancer on 16 August 2024 and published on the KLTR website on 20 September 2024.

Part 1: Background to the recommendations

Purpose and processes of the treasure trove system

The treasure trove system applies principles based in Scottish common law to ensure that all archaeological finds made in Scotland are assessed and recorded, and that museums in Scotland which meet the required accreditation standards have opportunities to preserve significant finds in their collections for public benefit. The process may be summarised as follows:

- Finders have a duty to report all archaeological finds to the Treasure Trove Unit, based at the National Museum of Scotland. The Treasure Trove Unit is operated by National Museums Scotland on behalf of the KLTR. Staff at the Treasure Trove Unit assess finds and have delegated authority from the KLTR to decide whether an object should be claimed for the Crown.
- If an object is not claimed, it is returned to the finder with a certificate of disclaim. If a find is claimed, it is advertised to accredited museums across Scotland who can then apply to acquire it for their collections. An independent panel, the Scottish Archaeological Finds Allocation Panel, advises on allocation of finds to applying museums, and on the payment of *ex gratia* ("by favour") awards made to finders. Awards are not made for finds made during professionally structured archaeological excavations.
- *Ex gratia* awards are linked to the market value of the find, which is assessed by the Treasure Trove Unit and agreed by the Panel. The awards are not a purchase price, but rather a recognition that finders have done the right thing by reporting and handing over finds and following best practice throughout. In order to secure a find for its collections, a museum must raise and transfer to the KLTR Office the sum that is given to the finder as an *ex gratia* award.
- The KLTR has final authority on all museum allocations and *ex gratia* awards. The operation of the treasure trove system is governed by the Code of Practice which lays out the procedures that everyone involved must follow. The Code of Practice is available on the treasure trove Scotland website.

Evolution of the treasure trove system in Scotland

The treasure trove system that operates today has evolved over more than two hundred years. Since as early as 1808, the King's (or Queen's) Lord Treasurer's Remembrancer has exercised Crown rights over ownerless property with the specific purpose of preserving Scotland's heritage. This was not done consistently however until the late twentieth century, by which time the growth of professional archaeological fieldwork, the development of archaeology collections in museums across the country and the emergence of metal detecting as a popular pursuit, all had combined to create the need for a more systematic approach. To deal with the growing numbers of finds being made, processes agreed by the KLTR were developed over time by museum archaeologists, initially at the predecessor institutions of what is now National Museums Scotland and increasingly through collaboration among archaeologists and other specialists working across the museums and heritage sector.

Periodic formal reviews are one of the tools the treasure trove system has used to keep pace with change. The first wide-ranging study was commissioned by the Society of Antiquaries of Scotland in 1858. The most recent full-scale review was conducted in 2003 by the outgoing Queen's and Lord Treasurer's Remembrancer (QLTR), Andrew Normand CB. Among its wide-

ranging recommendations, the 2003 review established the formal Code of Practice which now guides the actions of all the parties involved in the system and instituted the Scottish Archaeological Finds Allocation Panel in its present form, its members appointed by Scottish Ministers. In 2013 a public consultation was conducted on revisions to the Code of Practice after four years of its operation.

Characteristics and challenges of the system today

The system that operates under Scottish common law has certain distinctive characteristics when compared to equivalent systems in other jurisdictions. In Scotland, finders have a duty to report all archaeological finds. The range of finds that can be claimed by the Crown is not limited to what people might usually think of as “treasure”. As well as gold and silver objects, and coin hoards, the Crown can claim other metal objects, worked stone, pottery, glass, textiles, individual coins, etc. The scope includes finds from all periods of human activity in Scotland, from the prehistoric to the modern.

From that standpoint, the system uses comprehensive criteria for assessing the archaeological and historical significance of finds to decide which objects and excavation assemblages should be claimed and offered to museums. This combination of reporting requirement and comprehensive claim criteria has had a direct impact over time on how the archaeology of Scotland is recorded and how fully it is represented in Scotland’s museums, a feature of the system that has been referenced by several respondents in feedback given to the Review.

In Scotland, much as in England and Wales, archaeological fieldwork and searching for archaeological finds with a metal detector, or by other methods, may be done legally and without public licence, as long as appropriate local permissions have been obtained, other than on scheduled ancient monuments where it is illegal. This degree of freedom is not a given in all jurisdictions. Ireland provides an example of a jurisdiction which has stringent licensing controls over fieldwork and metal detecting on any land, embodied in legislation designed to protect national heritage. In summary, Scotland combines a relatively open approach to searching for archaeological finds with an interventionist approach to the reporting and claiming of finds for public benefit.

The challenge inherent in the Scottish system therefore is that, in order to deliver public benefit through the recording and allocation of finds to museums, large numbers of finds need to be processed. In financial year 2023 - 2024 (FY2023/24) alone, the Unit processed 8084 chance finds (a term which includes metal-detected finds) and 121 excavation assemblages (a group of associated finds from an archaeological context). This work requires resources of staff and technology which cost public money. In this respect, the system has not kept pace with change in its operating environment. As thousands of finds enter the system each year, turnaround times have often been well over twelve months (the period described as the norm in the Code of Practice). Feedback from finders points to delay and lack of communication about progress of cases through the system as factors which have eroded confidence and participation.

At the museum allocation end of the process, the system assumes that the museums who supply the expertise, funds and space to build and refine their archaeology collections can perform their function by collecting Scotland’s archaeological heritage and sharing it with the public. Feedback indicates that the funding environment for many of Scotland’s museums means the maintenance of this function at present levels should not be taken for granted. Shrinking funds for acquisitions, multiple pressures on staff time and diminishing archaeological expertise across the sector are all concerns among museums with potential long-term consequences for the preservation and sharing of Scotland’s heritage.

In making a critical appraisal of the treasure trove system, it is important to acknowledge the benefits it brings. By recording finds and facilitating their preservation in museums, treasure trove contributes to everyone's ability to connect with and appreciate Scotland's past. Much has been achieved in this regard since the 2003 review of the system, despite the many challenges that have been encountered along the way. While we have made recommendations about how the public benefit offered by the system could be promoted and understood better and in broader terms, it should be recognised that over the 20 years since the last formal review thousands of unique and fascinating objects have been saved from obscurity, dispersal, sale to the highest bidder, or destruction so that they can be studied for the information they reveal and placed in the care of our local, regional and national museums for everyone to enjoy.

That is an outcome grounded in the combined effort of multiple organisations and individuals. It represents the exercise of best practice and responsibility on the part of finders. It reflects the input of heritage sector specialists, paid and unpaid, who have supported the system, including museum curators, local government archaeologists and members of the Scottish Archaeological Finds Allocation Panel. It is also a testimony to the skills and resilience of staff at the Treasure Trove Unit, from whom much has been expected without proportionate resource, leadership and support.

Upholding the principles of the Scottish system

Feedback gathered by the Review through engagement work and public consultation has, in the main, demonstrated support for the core principles and characteristics of the treasure trove system, or it takes them as a given. Broadly speaking, respondents want the existing system to work better.

This confirms our assessment that little is to be gained, and more might be lost, from wholesale change to the legal basis upon which the system operates. We have concluded that, with certain caveats (see Recommendation 5 and Recommendation 10), taken together the common law principles of *bona vacantia*, the breadth of the Crown claim and the duty to report all archaeological finds remain an appropriate basis for protecting Scotland's heritage. There have been suggestions in the past that Scotland might follow other UK jurisdictions in placing its treasure system on a statutory basis. However, the breadth of the Crown claim applied historically in Scots law means that the need to clarify rights and define "treasure", which was one of the prompts to the introduction of the 1996 Treasure Act in England, Wales and Northern Ireland, has not been an issue in the same way in Scotland. Indeed, the 2023 revision of the definition of treasure in the 1996 Treasure Act moved that system closer to the Scottish model by extending the Crown claim to include criteria for the cultural significance of finds as well as their precious material composition and age.

We note also that the existing legal basis for the system affords a useful element of discretion to the KLTR in making decisions about treasure trove in the public interest.

We have further concluded that the resourcing and operational challenges which proceed in large part from the need to record and process large numbers of finds do not justify a purely resource-led redesign of the system. With caveats about guidance on reporting and triage of finds (see Recommendation 5), we do not propose attempting to reduce the number of finds going into the system solely to conform to resourcing and organisational arrangements designed 20 years ago. Such measures could not be enacted without detrimental impact on the preservation and sharing of Scotland's heritage and would involve measures which could be divisive, expensive and potentially unworkable.

In reaching that view, we have assessed the option of reducing the scope of finds required to be reported, for example extending back in time the current definition of an archaeological find (“portable antiquity” as termed in the Code of Practice) as normally being an object at least 100 years old at point of discovery. The overall view in the engagement and consultation response is broadly supportive however of the current approach. Our assessment is that only by extending the definition of reportable finds back into the late medieval period, or by excluding archaeologically relevant categories of objects from the system, would a substantial impact on the resourcing requirement be made, and this would result in significant negative impact on how Scotland’s heritage is recorded and preserved.

A small number of respondents to our public consultation, including metal detectorists, suggested that a licencing system for metal detecting should be considered. This was proposed however as a means of consolidating best practice, or of raising funds, rather than as a method of reducing the rate of finds being made. With the prospect of costs for administration and difficulties with enforcement, we do not believe the operation of a licensing regime, either for metal detecting or for archaeological activity more generally, would have a net benefit, nor would such measures align with the culture of participation and collaboration that we seek to build (see Recommendation 3). The Review supports the existing position that if best practice guidance is shared and followed, the benefits to heritage offered by the current approach to metal detecting outweigh risks to heritage or challenges regarding pressure on the treasure trove system. Metal detecting makes a key contribution to the picture of finds distribution across the country that is being built and preserved in our museums, and some of the most important and spectacular finds of the last 20 years have been made by metal detectorists.

Not all respondents to the public consultation appreciated that the system also deals with archaeological assemblages derived from professionally structured excavations, whether these are research-led or, as is now more common, development-led. The operations of commercial archaeology units meet the requirement of planning regulations which impose obligations on developers to mitigate the impact of infrastructure developments on Scotland’s heritage. The treasure trove system must be responsive to archaeological fieldwork of this kind.

Our recommendations for cost-effective and sustainable reform of the treasure trove system are therefore intended to enable:

- The better leading, planning, resourcing and operation of the system based on its existing principles.
- Meaningful change in how the system is understood, experienced and appreciated.

Themes of reform

Four themes have emerged during the review process that shape our findings and define our vision for the future of the Scottish treasure trove system. These connected themes permeate our recommendations.

Heritage preservation and public benefit

The purpose of the treasure system is to enable the preservation and sharing of Scotland’s heritage for everyone’s benefit, and this objective is at the forefront of our recommendations. While heritage preservation has always been the system’s concern, its purpose has been understood and articulated rather narrowly and has not always been demonstrated in terms that everyone can readily appreciate.

The treasure trove Scotland website leads on “Protecting our Archaeological Heritage for the Nation”, and the Code of Practice tasks the system with “ensuring that material of significance for the history and culture of Scotland...is retained by Scottish museums for the benefit of us all and future generations”. While upholding these intentions, we seek to expand on how that purpose is understood and appreciated. We recognise that the protection and preservation of finds in museums is central to the system’s purpose, but it is neither the beginning nor the end of the cultural and social value the system delivers. The system runs on public money. It is important that this broader definition of its value is recognised as a contribution to Scotland’s cultural, social and economic life.

Our recommendations about redefining and promoting the public benefit delivered by the system are set out under Recommendation 3 and permeate our other recommendations.

Leadership and collaboration

The treasure trove system regulates the actions of organisations and individuals working with our archaeological heritage in different ways. As such, it is a crucial interface between different constituencies in the Scottish heritage sector.

Ultimate responsibility for the system lies with the King’s and Lord Treasurer’s Remembrancer, who deals with ownerless property on behalf of the Crown. The KLTR Office has placed the operation of the system within National Museums Scotland, which maintains the Treasure Trove Unit. Other organisations are represented on the Scottish Archaeological Finds Allocation Panel, the independent panel of professional and lay members which makes decisions about allocation and *ex gratia* awards. The Scottish Government maintains an interest in the system through grant-in-aid funding arrangements for the Treasure Trove Unit and through the appointment of the chair and individual members of the Panel by Scottish Ministers. The Code of Practice drawn up following the 2003 review states that policy responsibility for the treasure trove system lies with the Scottish Government.

Leadership and responsibility for the treasure trove system is therefore dispersed. With the notable exception of the commissioning of this Review, our assessment is that the main stakeholder organisations involved have been passive or limited in their capacity to think about and shape the future of the system. It has rarely been anyone’s organisational responsibility. Many of the challenges experienced by the system can be traced back to this lack of leadership, cohesion and planning. In the judgement of the Review, more proactive leadership is needed so that the system can be planned and resourced strategically, and so the system can fulfil its role in the heritage sector by engaging consistently with all the interested constituencies, including organisations representing finders. Collaboration and partnership working will always be essential, but it can best flourish under strategic leadership.

Our recommendations about leadership and organisational collaboration are set out under Recommendation 1 and permeate our other recommendations.

Efficiency, transparency and financial sustainability

A clear majority view expressed through stakeholder engagement and consultation is that the treasure trove system needs to work more efficiently and quickly. Respondents make a direct connection between their experience of treasure trove and the level of resourcing and capacity in the system. Such views include appreciation of the work of an expanded Treasure Trove Unit and recognition that additional investment in recent years has begun to have an impact, qualified by the assertion that more needs to be done.

Many respondents want to see the processing of cases through the system become more transparent as well as more efficient, offering greater communication about progress and decision-making, including about the assessment of *ex gratia* awards.

While participation in the treasure trove system is not voluntary, the Review recognises that the system benefits from meeting reasonable expectations on the part of those who experience it.

We have come to the clear view that the resources available to the treasure trove system, specifically for operational funding of the Treasure Trove Unit, have not kept pace with the growth of the workload over the last 20 years, and that under-resourcing has had a negative impact on resilience in the system, confidence and participation. Taken together, all our recommendations for reform rely on, and contribute to, a realistic plan for sustaining the system financially.

Our recommendations about efficiency, transparency and financial sustainability are set out under Recommendation 2 and permeate our other recommendations.

Culture change and participation

Feedback suggests there is a strong supply of goodwill around the objectives of treasure trove from every constituent part of the system. We have observed, however, that individuals and organisations tend to experience and understand the system in terms that are essentially formal and transactional. The system coheres around a complex set of rules and procedures embodied in the Code of Practice which regulate the activity of the different constituencies involved. Consequently, we have noticed a degree of rigidity in expectations and behaviours on the part of organisations and individuals in their dealings with the system, mindful of their respective interests.

There is also scope for greater flexibility within the system itself, which operates on discretion and trust more than is realised or communicated.

The shared purposes of the system and the benefits of a partnership approach are less consistently highlighted and celebrated in its communication. It is only through outreach work conducted by the Treasure Trove Unit through museum 'Finds Days' that the human face of the system is presented, promoting a sense of shared endeavour that should run through the whole system from finder to museum visitor.

Among feedback from museums there is a sense of remoteness from the system and a lack of confidence in dealing with it. Among feedback from metal detectorists there is a desire for greater inclusion and recognition of the role that metal detecting plays in preserving heritage.

We conclude that a successful treasure trove system is one that all constituencies identify with and want to be part of, one that runs on trust and responsibility as well as obligation.

Our recommendations about culture change and participation are set out under Recommendation 3 and permeate our other recommendations.

Part 2: Recommendations

Recommendation 1

We recommend that leadership, policy and operational responsibilities for the treasure trove system are reformed and clarified.

1.1 We recommend that the KLTR Office assumes policy and strategic leadership for the system.

- The current dispersed model of responsibilities across the system leaves a gap in strategic leadership and planning. This flaw has contributed to the system's lack of agility in adapting to its changing operating environment and to the low priority it has been given for resourcing.
- The KLTR has ultimate responsibility for dealing with archaeological finds as a category of ownerless property. Business transformation at the KLTR Office in recent years means it now has the strategic focus for a more proactive leadership role than it has assumed in the past. The commissioning of this Review, and the prominence of treasure trove in the KLTR Strategic Plan 2024-27, are indications of the KLTR Office's ability to provide proactive leadership.
- Our recommendation about core funding at 2.1 requires the KLTR Office to have a more direct relationship with the resourcing and accountability of the system.
- No other body is suitably positioned for the strategic and policy leadership role. The Code of Practice drawn up following the 2003 review states that policy responsibility for the treasure trove system lies with the Scottish Government, but Scottish Government's relationship with cultural sector organisations today is principally one of sponsorship rather than policy. National Museums Scotland operates the Treasure Trove Unit and provides essential support around it. But like other stakeholder organisations such as Historic Environment Scotland, National Museums Scotland has its own strategic priorities and is also a participant in and beneficiary of the system. National Museums Scotland's dual role means it focuses on operations and must maintain separation of function to avoid conflicts of interest.
- The proactive leadership role will require the KLTR Office to operate with credibility in the heritage sector, maintaining at senior management and board level a full understanding of treasure trove and its contexts, and integrating responsibilities for treasure trove leadership, policy and support into its staff structure and roles at all levels.

1.2 We recommend that the KLTR Office's leadership is supported by creating a steering group comprising senior members of stakeholder organisations.

- The treasure trove system is an important interface between different organisations and constituencies operating across the Scottish heritage sector. A successful system needs the range of interests involved to work in partnership and to be integrated with wider sector developments. A steering group led by the KLTR Office will allow the system to be planned and for policy to be guided by consideration of all the ramifications for the sector.

- The existence of a steering group, led by the KLTR Office, will guide and support the work of the Treasure Trove Unit and Scottish Archaeological Finds Allocation Panel, allowing these bodies to concentrate on their respective operational and independent roles in the system. Both bodies should be represented on the steering group.
- This Review has been supported in its stakeholder engagement and consultation work by an advisory group comprising senior representatives from selected stakeholder organisations. The composition of this group offers a basis for the composition of the steering group, which could extend to include other organisations as appropriate.
- Representation from metal-detecting organisations will be an important element in the effectiveness of the steering group. As the metal-detecting representative organisation with the largest membership in Scotland, the National Council for Metal Detecting should be invited to take on this role in the first instance. The steering group can additionally encourage and enable regular engagement between metal-detecting representative organisations, clubs and the formal heritage sector on wider matters.
- The KLTR Office and the steering group should be open to direct representations from other relevant representative and sector organisations.

1.3 We recommend that a three-year strategic plan for the system is published by the KLTR Office, agreed and endorsed by the steering group, and that the existing Treasure Trove Annual Report process is aligned with the strategic plan.

- A published strategic plan can align the treasure trove system with the strategic planning of the stakeholder organisations involved, be visible within the heritage sector, and support greater transparency, accountability and public awareness of the operation of the system.
- The strategic plan should align with the KLTR Office's strategic planning and with resourcing and accountability measures recommended at 2.1 and 2.2.
- The existing Treasure Trove Annual Report is an important means of publicly sharing information on objectives, priorities and casework. It can be strengthened by reference to a longer-term published plan.
- Strategic plans published previously on the treasure trove Scotland website were endorsed by the KLTR Office and the Scottish Archaeological Finds Allocation Panel but lacked wider sector visibility and recognition.

1.4 We recommend that the Scottish Government maintains its commitment to the system through its grant-in-aid sponsorship of National Museums Scotland which includes funding earmarked for the Treasure Trove Unit from KLTR Office contributions, as recommended at 2.1.

- The treasure trove system interacts with the work of national organisations sponsored by Scottish Government grant-in-aid, and with museums, heritage organisations, communities and finders across the country. It contributes to heritage sector strategies and Scottish Government National Outcomes on Culture (see Recommendation 3.1).
- Although we recommend that strategic and policy leadership for the system is formally assumed by the KLTR Office, the Scottish Government's formal support for the objectives of the system and endorsement of the Code of Practice should remain as essential foundations.

- The core resourcing of the system is best administered by continuing Scottish Government provision of grant-in-aid funding earmarked for the Treasure Trove Unit at National Museums Scotland. The relationship with KLTR Office revenues is considered at 2.1.

1.5 We recommend that the Scottish Government Cultural Access and Organisations Division is represented in the steering group recommended at 1.2.

- The Scottish Government’s sponsorship arrangements with National Museums Scotland can only partially monitor the impact of grant-in-aid funding earmarked for the Treasure Trove Unit. Involvement in the steering group will enable Scottish Government Cultural Access and Organisations Division to monitor and contribute to the effectiveness and development of the treasure trove system under KLTR Office leadership.

1.6 We recommend that the Scottish Archaeological Finds Allocation Panel is represented on the steering group while maintaining its independent role in the system, with its chair and members appointed by Scottish Ministers.

- The independence of the Scottish Archaeological Finds Allocation Panel is an essential element of the system, enabling impartial recommendations on museum allocations and *ex gratia* awards in treasure trove casework.
- In the absence of a clear leadership structure for the system, it has at times fallen to the Panel to consider questions of policy, and to oversee the objectives and priorities of the system. Representation in the steering group will allow the Panel to continue its input into strategic and policy considerations while letting meetings of the Panel focus on its specific independent role.
- Ministerial appointments to the Panel are a guarantor of its independence and effectiveness, and the public appointments process is a further element of Scottish Government’s demonstrable support for the treasure trove system.

1.7 We recommend that the treasure trove system has its own representation in heritage sector initiatives such as Scotland’s Archaeology Strategy.

- The absence of a single point of leadership for the system and the lack of active involvement from the KLTR Office has limited the ability of the heritage sector to incorporate treasure trove matters fully into its development initiatives. National Museums Scotland does not directly represent the system in sector initiatives, and the Treasure Trove Unit’s operational focus limits the ability of Unit staff to speak for the system.
- Representation in heritage sector initiatives at an appropriate level of seniority will form part of the KLTR Office leadership recommended at 1.1.

1.8 We recommend that the management and support relationship between the KLTR Office, National Museums Scotland and the Treasure Trove Unit is clarified and sustained by a formal memorandum of understanding.

- As well as staffing, managing and accommodating the Treasure Trove Unit on behalf of the KLTR Office, National Museums Scotland provides extensive in-kind support to the Unit in its pre-allocation work. The input of specialist curatorial and conservation expertise, as well as communications advice, IT and other support are essential contributions to the functioning of the treasure trove system.
- We are satisfied that provision of this support means National Museums Scotland continues to be the most appropriate organisation to operate the Treasure Trove Unit.
- National Museums Scotland's ability to operate and demonstrate that support, including within its own strategic planning, has been limited by a lack of clarity on responsibilities in the relationship, and by its wariness about perceptions of conflict of interest in relation to museum allocations.
- Lack of definition in this relationship, not least about responsibilities for assessment of resourcing, has also contributed over time to the gap in the strategic leadership and planning of the system referred to at 1.1.
- A memorandum of understanding will clarify roles and responsibilities, including the KLTR Office's leadership and policy role, confirm expectations and accountability, and enable National Museums Scotland to develop and articulate in its own strategic planning the operation of the Treasure Trove Unit and the support given to it.

1.9 We recommend that the Treasure Trove Unit reports to a director of function at National Museums Scotland.

- The staff of the Treasure Trove Unit is currently managed alongside one of the specialist curatorial departments at National Museums Scotland, with the Treasure Trove Manager role reporting to the Keeper of Scottish History & Archaeology. This arrangement corresponds to the close support which specialist curators from the department give to the Unit in its pre-allocation casework.
- The management and resourcing of the Treasure Trove Unit, embodied in a memorandum of understanding (1.8), needs greater support and visibility at senior level within National Museums Scotland than it has received historically. The museum's relationship with the KLTR Office's more proactive leadership of the system (1.1) and the resourcing arrangement recommended at 2.1 need closer oversight and accountability at executive management level.
- The museum's simultaneous role as a participant in and beneficiary of the system is currently focussed within the same department. This situation requires that separation of function and potential conflicts of interest are closely managed.
- The in-kind support which National Museums Scotland gives to the Unit is more broadly based, within its wider Collections directorate, its External Affairs directorate (communications and national partnerships) and its Finance and Resources directorate.
- The provision of close curatorial support for the Unit can continue under revised reporting arrangements. These will afford greater clarity about separation of function and give greater visibility for the Treasure Trove Unit as a discrete function within the wider operations of National Museums Scotland.

- Feedback suggests accommodation arrangements within departmental office spaces, and more generally within the museum, are not meeting the needs of the Unit or of finders visiting the Unit who expect more appropriate reception than is presently possible.

1.10 We recommend that National Museums Scotland conducts a role evaluation of the staffing of the Treasure Trove Unit.

- The roles and responsibilities performed and carried out by the Treasure Trove Manager and the Treasure Trove Officers who make up the Unit have evolved considerably over time in response to the changing operating environment. The management of the Unit carries responsibilities at a level that reflect the gap in strategic leadership we have identified (1.1). Workloads have intensified and become more specialised, processes have become more sophisticated, and external relationship building has become an ever more vital element of the success of the system.
- Role evaluation can help to determine the most appropriate staff operating model for the Unit (see 2.2).
- Alongside recommendations for core funding of the Unit (2.2), formal role evaluation would inform new reporting and management arrangements within National Museums Scotland (1.9), as well as enabling the better definition and operation of the relationship between the KLTR Office and National Museums Scotland in supporting and operating the Unit (1.8).

1.11 We recommend that the Treasure Trove Unit formally adopts the Spectrum collections management standard.

- The Spectrum collections management standard developed by the Collections Trust is widely used by museums in the UK and internationally.
- In our assessment, the Treasure Trove Unit's management of the finds temporarily in its care is professional and diligent. However, feedback from finders suggests memories and anecdotes remain of losses of finds in the past. Losses in other jurisdictions, and from museum collections more generally, are covered in the media and present in popular consciousness at the present time.
- Finds management for the Treasure Trove Unit is necessarily different from the defined standards and protocols operated on the same premises by National Museums Scotland and should remain so. The Treasure Trove Unit is not subject to National Museums Scotland collections audits.
- Finds management for the Treasure Trove Unit is necessarily different from the typical museum processes covered by the Spectrum standard, but the standard can be adopted for the relevant finds management processes.
- These processes would include a disposals policy for disclaimed finds that finders have failed to collect over a defined period.
- Formal adoption of Spectrum standard processes, where relevant, offers a check for existing processes and will strengthen transparency and confidence in relation to the Unit's management of finds.

Recommendation 2

We recommend investment in people and technology at a level that allows the treasure trove system to deliver public benefit in its present and future operating environment.

2.1 We recommend that core funding arrangements for the Treasure Trove Unit at National Museums Scotland are consolidated so that Scottish Government grant-in-aid continues to be ring-fenced and provided from KLTR Office revenues by way of earmarked Scottish Consolidated Fund contribution.

- Until recently, core funding for the staff and operations of the Treasure Trove Unit was provided as a ring-fenced part of the Scottish Government's grant-in-aid sponsorship of National Museums Scotland without direct reference to the revenues raised by the KLTR Office and paid into the Scottish Consolidated Fund.
- Since FY2023/24, budgetary arrangements between the Scottish Government and the KLTR Office have included the earmarking of KLTR Office revenues for grant-in-aid core funding of the Unit. The KLTR Office has also funded temporary additional staff by direct provision from its revenues to National Museums Scotland.
- By continuing to earmark KLTR Office revenues for core funding of the Treasure Trove Unit, the KLTR Office can exercise its responsibilities and objectives for treasure trove as set out in the KLTR Strategic Plan 2024-27, make informed and accountable decisions on resourcing in line its broader financial strategies, and deliver its strategic and policy leadership of the system (1.1).

2.2 We recommend that core funding is invested to support a staff operating model and operational budget at the Treasure Trove Unit to target a 12-month average completion time for straightforward cases, while maintaining appropriate management and outreach capability.

- Feedback has referenced delays over casework and slowness of communication as a source of frustration and a barrier to participation. Respondents attribute these problems to the under-resourcing of the system. We identify this long-term issue as the major structural challenge and risk to the system.
- We are satisfied that the Treasure Trove Unit is being internally managed and operated efficiently as far as existing structures and resources allow.
- While the treasure trove system is not simply a service for finders, in our judgment the target of 12-month average completion times for straightforward cases, which is referenced as the norm in the Code of Practice, is a reasonable basis for expectation and delivery. It is understood that complex cases require more time.
- Outreach work by Unit staff is an integral part of the functioning of the system. It needs to be factored into the calculation of staff operating model and operational budgets.
- The permanent staff complement of the Treasure Trove Unit was increased to one manager and two officers in 2020. Since 2021, three additional temporary officers have been funded directly by the KLTR Office to address casework backlogs caused by the COVID-19 pandemic.

- Feedback from stakeholders and public consultation responses indicates that the additional investment since 2021 has had a positive impact on efficiency, communication and outreach. Casework backlogs nevertheless remain a challenge, as the number of finds being reported continues to increase.
- Among our other recommendations for reform are measures intended to achieve a greater number of finds being reported, but also the more effective use of triage and technology to manage them. It should become increasingly feasible for the Unit to record and process a greater proportion of finds without the need to examine them in person or have them brought or sent to Edinburgh.
- In line with our recommendations about the KLTR Office's proactive leadership of the system, we are factoring into our assessment our expectation of practical support for the Unit coming from the KLTR Office (1.1), including in policy, communications and casework financial administration.
- Our present assessment is that the Unit staffed at its current level (c.£315K in FY2023/24) is close to the longer-term requirement for core funding for permanent staff. Role evaluation (1.10) will help to determine the most appropriate operating model.
- Casework is complex. With input from external analysts, the KLTR Office, the Treasure Trove Unit and National Museums Scotland are developing a methodology for measuring workflows and modelling to achieve a 12-month turnaround time from reporting to resolution as a broad average. Further work is required to reach a sound basis for long-term investment decisions that can address the target we recommend.
- In the interim, the current staffing of the Treasure Trove Unit needs to be maintained, and the provision of additional temporary resource should be considered to bring forward backlog cases and place the system on a stronger footing for the wider reforms we are recommending.

2.3 We recommend further investment in the case management system to enable greater efficiency, and to build a web portal interface for finders, museums and other professional users.

- In 2020, the Treasure Trove Unit began using a standalone case management system which was developed with Scottish Government capital funding. While this change has already transformed working processes, its full capability is not yet being realised. There remain functions which are not live, and the staff time required to prepare and introduce new functions cannot be deployed consistently without negative impact on casework.
- The Unit uses email as the principal means of communication with finders and museums through the whole process, from reporting and claiming or disclaiming of finds to museum allocation and notification of *ex gratia* awards. There is scope within the case management system to develop additional functionality, allowing web portal interfaces and user accounts to replace email as the principal means of communication with finders, museums and other professional users. This change can increase efficiency and transparency through the whole process, including the ability for finders to follow the progress of finds through the system.
- National Museums Scotland should consider transferring the hosting of the case management system and the treasure trove Scotland website to a server maintained by the system developer to ensure dedicated support, subject to formal agreement and monitoring.

- The level of software investment required to extend the functionality of the case management system and make the change to introduce web portal interface is estimated to be in the region of £25-30K.

2.4 We recommend investment in development of a mobile app or mobile website to enable reporting of finds direct to the case management system.

- Feedback suggests that the time and trouble involved in reporting finds is one of the main reasons why some finders fail to comply with their duty to report finds.
- The proposal for mobile reporting app received a majority positive response in our public consultation.
- A mobile digital medium for the reporting of finds directly into the case management system would enable finders to report and record their finds easily and more accurately, including in the field. More accurate reporting and recording will help the Treasure Trove Unit conduct an initial assessment of finds, speeding up the claiming and disclaiming process.
- There are examples of mobile reporting apps and mobile websites operated by other jurisdictions, and apps with related functions that have been developed by metal-detecting representative organisations such as the National Council for Metal Detecting.
- Advice, endorsement and compatibility with mobile digital media used by metal-detecting representative organisations all need to be considered in developing an appropriate reporting app or mobile website.
- Existing mediums for reporting finds (email, in person) need to be maintained alongside the mobile digital medium.
- The level of software investment required to develop a mobile reporting app or mobile reporting website compatible with the existing case management system is estimated to be in the region of £35-45K.

2.5 We recommend that the Scottish Government reviews its funding support for museum acquisitions and that the special funding scheme operated in recent years by the National Fund for Acquisitions is maintained.

- Records of the National Fund for Acquisitions administered by National Museums Scotland indicate a strong take up of grant funding by museums for acquisitions through the treasure trove process. For some smaller museums, treasure trove allocations are the focus of their purchase acquisition activity.
- The total amount of funding available annually through National Fund for Acquisitions has remained static over the last 14 years, representing a substantial reduction in real terms.
- Feedback from museums suggests that pressure on funds available for purchase acquisitions is a limiting factor in their ability to apply for treasure trove allocations.
- The special funding scheme initiated by the National Fund for Acquisitions in 2020 in response to financial problems arising from the COVID-19 pandemic increased the proportion of grant funding available to museums for individual acquisitions from 50% to 100%. Records indicate a strong take up of this temporary provision from museums for allocations through the treasure trove process.

2.6 We recommend that further consideration is given to enabling the principle of charging administrative fees for allocation of assemblages (see 7.4) and seeking contributions to extraordinary case costs incurred by the system (see 8.3).

- Earmarking KLTR Office revenues for funding the Treasure Trove Unit, along with the additional capital investment we are recommending, will have an impact on KLTR contributions to the Scottish Consolidated Fund.
- In other areas of its business with ownerless property, the KLTR Office seeks to manage and recover its costs where practicable and appropriate and charges a scale of administrative fees for its transactions to ensure it is providing effective stewardship of public funds.
- The treasure trove system is publicly funded by the KLTR Office, by the Scottish Government and by in-kind contributions from National Museums Scotland and other heritage organisations. Museums across Scotland put funds into the system to secure allocation of chance finds, paying sums equal to the *ex gratia* award given to finders. Finders are not charged for the processing of finds through the system.
- There was a mixed response to questions in our public consultation about cost recovery and the levying of fees for transactions at two points in the treasure trove process. Among responses that expressed contentment with the principle, respondents raised questions and concerns about how these would operate. Similarly, stakeholder engagement has pointed to potential complications and risks, although without necessarily rejecting the principle.
- Further consideration and consultation are needed on what we hold to be the reasonable principle of introducing cost recovery and charging measures into the system where practicable and appropriate (see 7.4 and 8.3).

Recommendation 3

We recommend that the culture of the treasure trove system encourages wider engagement and focuses on the public benefit it delivers.

3.1 We recommend that the system develops and communicates a broader definition of the public benefit it delivers.

- Much of the present formal communication of the system, including website content and the Code of Practice, largely presents the system as a mechanism that delivers a legal function. It is much more than this. Communication needs to be more focused on the system's purpose and needs to position the system as part of the wider heritage sector.
- Feedback suggests that the system's objective of preserving finds in museums is narrowly expressed. The system needs to communicate how museum preservation makes Scotland's heritage available to everyone, now and in the future.
- The system contributes to our knowledge of the past by recording and sharing finds data for the benefit of researchers and general users. Recording and sharing information needs to be highlighted as a prime objective alongside the objective of preserving finds in museums.
- By championing research based on finds data, the system can demonstrate its contribution to knowledge of the past. Treasure Trove Unit staff can participate as partners with other organisations, contributing data and guidance to externally funded research.
- Feedback references the need and opportunity for skills development and training for staff working with finds in Scotland's museums. Outreach work by the Treasure Trove Unit should be recognised and developed as a source of skills support for the sector, including through the proposed development of a network of Treasure Trove Partner Museums (4.1).
- Feedback references the need and opportunity for skills development and training for metal detectorists. Outreach work by the Treasure Trove Unit should be recognised by the sector and developed as a source of support for best practice in metal detecting, including the reporting of finds (5.2).
- The system should communicate and be recognised for its contribution to national and heritage sector formal strategies. These include Scottish Government National Outcomes; Scotland's Museums and Galleries Strategy 2023-2030; Our Past Our Future, the Strategy for Scotland's Historic Environment; Scotland's Archaeology Strategy; Inspiring People, National Museums Scotland's Strategy 2022-27.
- The system should communicate and be recognised for its contribution to the objectives of planning regulations that mitigate the impact of development on Scotland's heritage role by enabling museum allocation of excavation assemblages derived from development-led archaeology.

3.2 We recommend that the system presents its role in the museum preservation of significant archaeological finds in terms of affording opportunities.

- There is an implied assumption in the operation and communications of the system that treasure trove processes are geared to ensure the museum preservation of all claimed finds. This is reflected in process terminology such as “Last Resort” where designated museums apply for allocations in a second round for finds not applied for by any museums in the first round.
- Museum preservation of all claimed finds is not an outcome that the system on its own can guarantee, because it is dependent on museum collecting policies and capacity.
- In a context where a growing number of finds are being reported, the system should acknowledge that informed selections are being made.
- Our recommendations about making it easier to report chance finds (2.4, 5.2, 5.3) are intended to maximise the proportion of finds being reported. This outcome does not necessarily mean that ever greater numbers of chance finds must be preserved in museums. More widespread reporting should allow better selection decisions to be made (5.5).
- The recording of finds, including disclaimed finds, operates alongside museum preservation as an integral part of the system’s contribution to knowledge. Finds that are recorded and disclaimed are not lost to public knowledge.

3.3 We recommend that finds data is made widely available for the benefit of researchers, specialists and general users, with appropriate safeguards for sensitive information.

- Finds information recorded on the case management system and public database is of value to different audiences, available to be used for professional purposes, research, general interest and engagement.
- Although the case management system and website remain the primary location for the compilation, preservation and sharing of treasure trove data, data should also be available for sharing with other systems wherever practicable and appropriate (e.g. Discovery and Excavation in Scotland, Canmore, Historic Environment Records, Archaeology Data Service).
- User accounts with appropriate permissions can be used to manage sensitive information (e.g. precise findspots).
- Treasure trove data should be made available by constructing a single Application Programming Interface (API) that other systems can use, rather than by seeking to adapt treasure trove data to other data structures.

3.4 We recommend that the system adopts language in its communications that emphasises shared purpose, participation, responsibility and trust as well as duty.

- Although Treasure Trove Unit staff are active on social media with positive messaging, the language of the treasure trove Scotland website, the Code of Practice and other formal communications remains largely official and transactional. This kind of language is necessary in certain contexts, but it needs to be balanced by more accessible communication that stresses the benefits of the system and the contribution of everyone involved to its shared purpose.

- Feedback from metal detectorists seeks greater recognition for the contribution that metal detecting makes to heritage knowledge and preservation. We endorse that ambition (3.1, 3.5), based on a shared commitment to best practice.
- A view expressed by some metal detectorists is that claimed finds “disappear” into museum storage, and that museums do not typically maintain a relationship with finders. The system should encourage museums to acknowledge the role of finders, not necessarily through display credits for specific objects but through other forms of engagement, e.g. their website, social media and other public engagement activity.
- The nature and purpose of the Crown claim needs to be better explained. Feedback suggests not everyone appreciates that, in the context of the treasure trove system, “the Crown” means the state working for the benefit of everyone.
- We have considered the option of recommending a rebrand and renaming of the system, on the basis that “treasure” as a term is potentially unhelpful in relation to the broad range of finds that are subject to the Crown claim. In addition, the decision by Historic Environment Scotland to name its proposed heritage hub website *trove.scot* risks confusion among users in future. We have concluded however that “treasure trove” already has recognition and currency throughout the sector and among finders. Better communication about the system and its purposes can promote the change of culture we recommend, without losing that recognition.

3.5 We recommend that the content of the treasure trove Scotland website is further developed to enable engagement with the treasure trove system, and to enhance the finds database for researchers and general users.

- The treasure trove Scotland website is one of the main mediums through which the public, finders and museums seek and find information about the system. There is considerable scope to improve the accessibility, attractiveness and variety of website content to promote engagement with and understanding of the system and the public benefit it delivers. Features such as Frequently Asked Questions (FAQs) about the system can raise awareness and aid transparency. More creative content development could profile finds, finders and projects. There are good examples of informative and accessible video content on websites run by equivalent systems in other jurisdictions and by metal-detecting representative organisations.
- The finds database within the website is a key medium for the public benefit which the system delivers through the recording of chance finds (see 3.1) and it is still in an early stage of content development. With adequate core resourcing for staff, there is scope for the Unit to mobilise and manage volunteer and intern contributions to add more historic case information to the database.
- Treasure Trove Unit staff presently maintain website content and social media communications alongside their priority casework and outreach work. Website redesign and content development is one area where the KLTR Office and National Museums Scotland could collaborate in future to support the Unit.

3.6 We recommend that outreach work extends to raise awareness of the system among landowners and land management organisations in Scotland, university archaeology departments UK-wide, and the art market UK-wide.

- Outreach work conducted by the Treasure Trove Unit is subject to staff capacity in relation to priority casework and is focussed at present on museums and finders.
- Landowners do not have rights to archaeological finds made on their land in Scotland. They do have interests in the system however, as their permission is needed for metal detecting and archaeological fieldwork on their land. Feedback suggests that it is common for landowners to enter into informal agreements with metal detectorists to share any *ex gratia* award received for finds made on their land. In some instances, more formal agreements are made.
- Feedback from representative organisations for landowners and land managers in Scotland suggests a lack of awareness about the treasure trove system generally and about best practice in metal detecting.
- Engagement with university archaeology departments UK-wide is an opportunity to raise awareness among students and staff of treasure trove processes and the requirements of the Code of Practice in general terms. There is some evidence that finds from research-led excavations conducted by universities are not always reported to the Treasure Trove Unit, and in some instances excavated finds are removed from Scotland without permission, contrary to the Code of Practice.
- Positive engagement with the art market UK-wide is another opportunity to raise awareness of the distinctive Scottish system and the requirements of the Code of Practice. Use of independent valuations in assessing *ex gratia* awards is likely to become a more frequent requirement for the system (see 6.3).
- The extension of outreach work to these constituencies will support measures on strengthening the legal framework of the system (see Recommendation 10).
- These are areas where the KLTR Office could proactively support the Treasure Trove Unit.

3.7 We recommend that the Annual Report is redesigned to enable wider engagement and is launched each year with a media event.

- The current Annual Report publication is an important marker for the accountability and transparency of the system.
- Its publication is an opportunity to communicate the positive impact of the system on Scotland's heritage, to highlight discoveries, museum acquisitions and to recognise the participation and contribution of finders, including metal detectorists.
- The publication of the annual report of the Portable Antiquities Scheme in England and Wales is launched each year with a major media event which attracts high profile coverage.
- The annual media launch might be situated in a chosen museum, highlighting a find or excavation, with finders present and could be introduced by the KLTR and Chair of the Scottish Archaeological Finds Allocation Panel.

Recommendation 4

We recommend extending the reach of the treasure trove system throughout Scotland with a new network of Treasure Trove Partner Museums.

4.1 We recommend creating a network of formally recognised Treasure Trove Partner Museums, who provide a place of interaction for finders to enable triage, reporting, storage and return of finds, and build relationships regionally.

- The Treasure Trove Unit is based in Edinburgh but works with finds and finders across Scotland. Finders can report finds and leave them with their local museums under informal arrangements. Finders often travel to Edinburgh to hand in finds in person, and finds are sent to the Unit by post. Feedback confirms that the need to travel or post finds is a weakness in the system and a barrier to participation that contributes to dissatisfaction among finders and under-reporting of finds.
- Public consultation responses included positive reference to local relationship building. Direct interaction with Treasure Trove Unit staff at outreach events held at regional and local museums is especially valued by finders and museums.
- The recent growth of the Unit with additional resourcing for temporary staff has allowed it to plan and manage its work regionally. Individual treasure trove officers act as first point of contact for finders, local authority archaeologists and museums in specified regions, and outreach is planned so that two or more officers can conduct events and reach museums, finders and finds across the country.
- Public consultation responses included positive reference to Finds Liaison Officers, a network of over 40 locally based staff members employed by the Portable Antiquities Scheme across England and Wales, with the suggestion that a similar network would work in Scotland. While there is clear merit in that system, it does not necessarily transfer directly onto the Scottish system which has distinctive functions and different geography and demography.
- The affordability of a staffed network of Finds Liaison Officers needs to be balanced against the resourcing needs of the Treasure Trove Unit. An adequately resourced central Unit that can work flexibly and supportively in partnership with museum colleagues across the country, digitally and in person, offers a more effective and cost-effective model than redeploying Unit staff to work alone from bases across the country.
- In parts of Scotland, individual museums already provide significant additional support to the system by liaising with finders, sharing advice about finds, and temporarily storing finds for further assessment by Unit staff.
- By formally recognising and better supporting this model, and applying it more widely, the reach of the treasure trove system can be extended through investment in existing regional and local cultural infrastructure.
- A formal network of this kind can do much more than facilitate the practical work of the Unit in processing finds. It offers a focus for building relationships with and between museums, local authority archaeologists, metal detectorists and community archaeology projects, it can contribute to public engagement with local heritage, and it can foster the culture change across the system that we recommend (Recommendation 3).

- A formal network of this kind would have a net positive effect on the carbon footprint of treasure trove processes by reducing the overall need for car travel by finders and staff.
- Public consultation responses and feedback from stakeholders, including museums, were supportive of the proposal for recognised Treasure Trove Partner Museums.
- Treasure Trove Partner Museum status should not be exclusive. The Treasure Trove Unit would continue to conduct finds days and outreach work with other museums across the country.
- Treasure Trove Partner Museum status would be agreed for a fixed term, likely of up to three years.

4.2 We recommend that designated Treasure Trove Partner Museums are supported through a formal service agreement, training and mentoring for skills development, supply of equipment and by a small annual grant administered by Museums Galleries Scotland.

- Feedback has referenced areas where support for museums in this role would need to be specified and clarified. A Review workshop session with museum participants explored these issues in detail. They included the need for fixed-term formal agreements setting out minimum service levels and separation of function guidance for museum staff, training and support from Treasure Trove Unit staff, indemnity for finds and processes, and provision of equipment (e.g. for separate secure storage for finds, digital livestreaming facility to assist the Unit remotely with finds triage).
- A small annual grant (<£10K) would be integral to the scheme to recognise an agreed minimum and maximum staff time contribution and support other elements (e.g. an annual event for finders). Museum Galleries Scotland is willing to consider facilitating a grant application process and operating as grant distributor for this purpose.
- The KLTR Office would be the sponsor of the scheme, supported by external funding (4.3).

4.3 We recommend that the Treasure Trove Partner Museum model is trialled by a three-year pilot project supported by external funding.

- To test the effectiveness and operability of this model, a pilot project involving up to six designated museums for a three-year period will enable a full evaluation.
- A pilot project that tests impact in partnership working, skills development in museums and community engagement with local heritage has the potential to attract support from external funders, such as the National Lottery Heritage Fund. The network of finds liaison officers employed by the Portable Antiquities Scheme in England and Wales was originally trialled in a three-year pilot project supported by external funding.
- The KLTR Office can apply for external funding on this basis, as the main applicant leading a partnership of organisations (e.g. Museums Galleries Scotland, National Museums Scotland) with support from the steering group recommended at 1.2.

Recommendation 5

We recommend measures that will clarify and support the reporting, triage and claiming of chance finds.

5.1 We recommend that the Treasure Trove Unit develops and shares clearer guidance on finds that do not need to be reported.

- Feedback from metal detectorists suggests a lack of clarity about what constitutes an archaeological find (“portable antiquity” as defined in the Code of Practice), and what does and does not need to be reported to the Treasure Trove Unit.
- Lack of definition in this area means that the Unit has assumed a default position that they should seek to be shown anything and everything that might be an archaeological find and then advise accordingly. This can be effective and supportive in dealing with individual finders, but it is not a sustainable position across the full range of finds being made. It is recognised that finders of chance finds are already conducting triage, including with advice from local authority archaeologists and museums. The system should better support triage of chance finds with accessible guidance.
- A list of finds categories or types that do not need to be seen, with relevant examples and images, could be compiled and shared online creating a resource that can be refined and updated as required.
- Selection strategies for assemblages from excavations are considered at 7.1.

5.2 We recommend that finders are supported with guidance and training to enable more detailed and structured self-recording of finds, including photography.

- The Treasure Trove Unit needs to compile structured information about chance finds to record them and to write reports as claimed finds go forward for allocation. This work makes use of a proforma reporting form made available to finders, but often requires ongoing email communication.
- In other jurisdictions (e.g. the DIME finds portal in Denmark) there is provision for finders that enables more detailed self-recording of finds, including training videos about how to photograph finds with a macro lens adaptor for a smartphone.
- Guidance and training are necessary to ensure that self-recording conforms to the requirements of the case management system.
- Support for self-recording recognises that finders often bring their own knowledge and experience to bear in identifying finds. It gives agency to finders by involving them more closely in the formal recording and public sharing of finds information.
- Support for self-recording can help to streamline casework tasks for the Unit, reducing the need for finds to be examined by Unit staff.
- Self-recording can reduce the carbon footprint of treasure trove processes by reducing the need for finders to travel to hand in finds to the Unit.

5.3 We recommend processes are developed to separate the duty to report finds from the duty to hand in finds, allowing finders to retain finds in trust until the Treasure Trove Unit is ready to receive and process them.

- It is often the case that the Unit accepts finds from finders many months before the Unit is ready to assess and process them. These are then stored without action while finds that were handed in earlier are processed.
- By separating the duty to report finds from the act of handing them in, the Unit can arrange with finders for finds to be handed in when the Unit is ready to process them, reducing overall processing times.
- Guidance should be developed to support finders with care of reported finds which they retain on trust.
- Website information, such as FAQs, can communicate to finders how decisions about prioritising finds processing are made.

5.4 We recommend that assessments of the significance of finds are recorded and shared with finders.

- At present, the system's assessment of the significance of finds is reflected through the claim or disclaim decision and, by implication, in the assessment of *ex gratia* awards.
- Finders do not receive formal notification from the Unit of the reasons why finds are claimed.
- Feedback about the popularity of outreach events ("Find's Days") conducted by the Unit reflects the positive experience of direct interaction between finders and staff, identifying and discussing finds in person.
- Sharing information about significance decisions can support greater transparency of processes and deeper engagement with finders.
- A breakdown of significance as reasons for claims and disclaims could be developed as a simple framework.

5.5 We recommend that the Treasure Trove Unit further develops its consultation with museums and the archaeology sector to refine its decisions about claiming and disclaiming.

- Our recommendations about making it easier to report chance finds (2.4, 5.2, 5.3) are intended to maximise the proportion of finds being reported. This outcome does not necessarily mean that ever greater numbers of chance finds must be preserved in museums. More widespread reporting should allow better-informed selection decisions to be made, preserving a representative sample of finds being made across the country while recording those that are disclaimed.
- Decisions about claiming and disclaiming are made at the discretion of the Unit with reference to the significance criteria published in the Code of Practice. This process is supported by ongoing consultation with museums about significance, parallels and contexts.
- Monitoring of claimed finds and assemblages that attract no applications from museums gives a further long-term guide to what is and what is not considered significant and worth preserving.

- There is scope for structured discussion with local authority archaeologists, museums and other heritage stakeholders to support the Unit with regional strategies for claiming finds and assemblages.
- Regional strategies for claiming finds could be connected to the ongoing development of Regional Frameworks within the Scottish Archaeological Research Framework.

Recommendation 6

We recommend measures that will support efficiency and transparency in assessing and allocating chance finds.

6.1 We recommend the recruitment of an additional lay member of the Scottish Archaeological Finds Allocation Panel from among experienced metal detectorists.

- Membership of the panel includes the chair, three professional members and one lay member who are appointed following advertisement and interview through the Scottish Public Appointments process for Ministerial appointments to the board of public bodies. Details of current membership are on the treasure trove Scotland website.
- The public appointments process is an important foundation for the independence of the Panel, which is an essential element of the treasure trove system.
- The presence of an experienced metal detectorist on the Panel has brought benefits in the past, but this cannot be guaranteed by direct appointment as is done for *ex officio* representatives of public organisations who are panel members.
- The Scottish Government Cultural Access and Organisations Division leads on recruitment to the Panel. Recruitment of an additional panel member can be supported through liaison between the KLTR Office and metal-detecting membership organisations to encourage applications.

6.2 We recommend that the nature of *ex gratia* awards, the process of assessing *ex gratia* awards and the relationship between *ex gratia* awards and museum fundraising are all better communicated to finders.

- Feedback from finders indicates a degree of dissatisfaction with valuations of *ex gratia* awards. Dissatisfaction over a small proportion of individual cases is inevitable but in a wider sense dissatisfaction also relates to questions about transparency and to misapprehensions about the nature of the awards. *Ex gratia* awards are not compulsory purchases. They are recognition of the exercise of responsibility and best practice on the part of finders, and the assessment of awards is linked to market value in recognition of the cultural value of the finds.
- We are satisfied that linkage between *ex gratia* awards and market value of finds is a reasonable and important element of the system. To assess guideline valuations for *ex gratia* awards the Treasure Trove Unit uses comparisons with past cases, past public sales and advice from museum colleagues through wider sector networks. On occasion, independent commercial valuations are sought (see 6.3). Finders may and sometimes do supply their own comparisons for consideration by the Panel.
- Awards assessed by the Panel can differ from other comparisons because they do not, for example, include the commission, typically 20% of the total, that is deducted for fees in auction sales and are related to condition at point of allocation.
- Feedback suggests that finders are not necessarily aware that the sums paid over by the KLTR Office as *ex gratia* awards must first be paid over to the KLTR Office by the museums that acquire the finds. Greater awareness of the fundraising requirement on museums can help to connect finders with the principle of museum preservation, build relationships between finders and museums, and encourage finders to consider waiving *ex gratia* awards in support of individual museums.

- Information about the process of arriving at *ex gratia* award valuations should be added to the treasure trove Scotland website, clarified in the Code of Practice and featured in casework documentation. This would be a useful aid to the transparency of the process.

6.3 We recommend greater support is made available to the Treasure Trove Unit and the Scottish Archaeological Finds Allocation Panel in their use of guideline independent valuations to assess *ex gratia* awards.

- Using guideline valuations to assess *ex gratia* awards is an important aspect of the work of the Unit and the Panel. Both would benefit from greater support in this area. On occasion, independent commercial valuations are sought as guidance in relation to high-value cases, disputed cases and unusual cases. Because Scottish archaeological finds are subject to the treasure trove system, they rarely appear on the market, so guideline valuations must often be referenced to prices of object types found elsewhere.
- Recruitment of a commercial valuation specialist as a member of the Panel is one measure that has been suggested in feedback as a means of increasing confidence in the assessment of *ex gratia* awards.
- It is more important that the Unit has access to independent valuations from the commercial sector covering the broad range of finds assessed by the Panel, drawing on expertise which would not reside with a single individual Panel member.
- The operating budget of the Treasure Trove Unit (see 2.2) should be calculated to allow for greater use of independent valuations.
- The Unit should be supported in building relationships with the art market in Scotland and beyond. The Treasure Valuation Committee which operates as part of the treasure system in England and Wales is supported by a group of named Provisional Valuers who can be commissioned to offer independent expert advice and who have provided services to the system in Scotland in the past.

6.4 We recommend that further consideration is given to enabling a disclaim to donate option, where accredited museums and finders can request that finds are donated directly at the discretion of the KLTR.

- At present, all claimed finds are offered to accredited museums through the treasure trove process. Finders can indicate a preferred museum for allocation, and their preference is taken into account by the Scottish Archaeological Finds Allocations Panel in making allocations. Finders are also requested to consider waiving their *ex gratia* awards. Take up for these options is low.
- A disclaim to donate option would mean that finders could waive *ex gratia* awards and agree donations of finds to accredited museums directly, by agreement of the Treasure Trove Unit. Introducing this option could increase the agency of finders, help to build relationships between finders and museums, and reduce the total number of finds passing through the system, especially types of finds where *ex gratia* awards are typically low.
- In FY2023/24 finds for which *ex gratia* awards were made at or below £50 represented over 50% of the total number of cases for which *ex gratia* awards were made. Finds for which *ex gratia* awards were made at or below £100 represented over 70% of the total number of finds for which *ex gratia* awards were made.

- This proposal was not included in the public consultation and needs further consideration and consultation in the forthcoming revision of the Code of Practice.

Recommendation 7

We recommend that the treasure trove system is proactively involved in the development of sector strategies for archaeological assemblages.

7.1 We recommend the treasure trove system supports and influences ongoing work within Scotland’s Archaeology Strategy to develop standards for the transfer of archaeological assemblages to museums, and to introduce museum deposition fees.

- Treasure trove processes are central to proposals being developed and consulted on by the Before the Museum project, ongoing as part of Scotland’s Archaeology Strategy. For details see Scotland’s Archaeology Strategy website. The project has its own timelines, separate from this Review, and its next phase of sector consultation is scheduled to commence in August 2024.
- Although the Treasure Trove Unit has fed information into the project, neither the Unit nor National Museums Scotland representation on the project can speak on behalf of the Scottish Government or the KLTR Office on matters of treasure trove policy. This lack of engagement at policy level has been a limiting factor in the project.
- The Review team has participated in focus group sessions run by the Before the Museum project ahead of its next phase of consultation and was given the opportunity to host a focus group session dedicated to treasure trove considerations raised by the project proposals.
- We endorse in principle the aims of the Before the Museum project in (a) developing an agreed standard for selection strategies, statements of significance and appropriate preparation and documentation of archaeological assemblages, and (b) seeking to institute a deposition fee within the planning system that passes from contractors to museums alongside allocation of assemblages, to support museums in preserving, storing and managing assemblages acquired for their collections.
- We note that these proposals have implications for the treasure trove system. These include a potential role for the Unit in monitoring assemblages to ensure they meet the agreed standard, and a potential role for the KLTR Office in the administration of fees should this proposal prove workable.

7.2 We recommend that the system enables reporting and allocation of assemblages at an earlier stage in archaeological projects than currently, at a stage to be determined through ongoing consultation within Scotland’s Archaeology Strategy.

- At present, assemblages are reported to the Unit at the point that they are deemed “museum ready” by the excavator. This is at the conclusion of post-excavation work which in some instances takes years beyond the completion of fieldwork. This lapse of time is unsatisfactory for the treasure trove system which needs to track projects which are known in the sector and are in the public domain, but which have not yet been formally reported to the Treasure Trove Unit. The Unit must manage requests from research organisations and museums for loans of pre-allocated material from assemblages before projects have come to completion.

- In relation to the fees proposal discussed at 7.1, the lapse of time in the current process between completion of fieldwork and reporting to the Treasure Trove Unit creates problems for archaeological contractors because the accounts of a project have often closed long before the point of reporting and allocation through the treasure trove system.
- There are complex considerations in identifying the timing within an archaeological project for reporting and allocation through treasure trove. The needs of excavators and the needs of museums do not necessarily coincide. The principle of reporting and allocation happening earlier within a project is however one that the treasure trove system can seek to resolve and accommodate as appropriate. This will require further engagement at policy level in the Before the Museum project as it progresses in the coming months.

7.3 We recommend that, subject to the introduction of museum deposition fees for assemblages at 7.1 above, the KLTR Office considers acting as the medium for receiving all museum deposition fees paid by excavators and holding them for disbursement to museums at the point of transfer of assemblages.

- The Review endorses the principle proposed in the Before the Museum project that museums should receive fees from archaeological contractors to accompany deposition of assemblages, to support the museums in preserving, storing and managing assemblages accepted for their collections.
- Administrative and accounting processes at the KLTR Office could allow for the Department to hold fees charged to contractors at an agreed point and disburse them to the receiving museum at the time of deposition of the assemblage.
- In relation to chance finds, the KLTR Office already receives funds from museums who have successfully applied for allocations and then pays over *ex gratia* awards to finders. All assemblage allocations are made through the treasure trove system, and the KLTR Office system is the logical medium for processing of museum fees if agreement can be reached about introducing them through the planning system.
- Such a role would require additional financial administration support for the Unit from the KLTR Office.
- The KLTR Office's practice of charging administrative fees in other areas of its ownerless property business needs to be taken into account in considering this proposal further (7.4).

7.4 We recommend that further consideration is given to charging an administrative fee for the processing of archaeological assemblages, in line with wider KLTR Office practice on charging administrative fees.

- In other areas of its business with ownerless property, the KLTR Office seeks to manage and recover its costs where practicable and appropriate and charges a scale of administrative fees for its transactions to ensure it is providing effective stewardship of public funds.
- At present, the KLTR Office makes no charges in relation to treasure trove processes, although it is now recognised that these processes are supported from the revenues it raises (2.1).

- The charging of administrative fees for the allocation of all assemblages can help to reduce the costs the KLTR Office incurs in funding the treasure trove system, and so in turn can mitigate the impact of the costs on the KLTR Office's contributions to the Scottish Consolidated Fund.
- Feedback indicates there are potential legal and administrative obstacles to introducing KLTR administrative fees for allocation of assemblages through the planning system. These need to be considered further in their own right, and in relation to the KLTR Office's handling of the proposed museum deposition fee being developed through the Before the Museum project.

7.5 We recommend that the Scottish heritage sector gives further formal consideration to policy on archaeological assemblages and museum capacity.

- Feedback from museums indicates that long-term pressure on financial sustainability and storage capacity is likely to present future challenges to the system, and therefore to the preservation of Scotland's heritage, by impacting on the ability of museums to apply for allocations of assemblages and chance finds.
- The treasure trove system provides opportunities for museums to preserve archaeological assemblages but cannot on its own guarantee that all claimed assemblages will be preserved, because that is dependent on museum collecting policies and capacity.
- The Before the Museum project is developing and consulting on proposals that can reduce the financial and spatial demands on museums in the collecting of assemblages, but this work cannot on its own guarantee for the long-term that museums will be able to preserve all significant material.
- Arts Council England and Historic England have been leading the heritage sector in England & Wales in addressing similar issues through the Future for Archaeological Archives Programme. Feedback suggests the issue in Scotland is less acute, but that the long-term challenges require further policy consideration.
- Appropriate representation from the treasure trove system should be part of these sector policy considerations.

7.6 We recommend that the Scottish heritage sector gives further formal consideration to policy on the archaeological preservation of human remains, faunal remains and ecofacts.

- There are a number of organisational policies which deal with the handling and care of human remains, faunal remains and ecofacts (organic or inorganic materials deposited as a result of human activity). However, feedback has highlighted a policy gap in Scotland in relation to their long term preservation.
- The Crown has a legal claim over object finds which meet the definition of ownerless property. Human remains, faunal remains and ecofacts cannot be defined as ownerless property.
- During some archaeological excavations unmodified human and faunal remains are found together with objects, and ecofacts samples are taken. To ensure all the material from these excavations is preserved together, the treasure trove system currently allocates the entire excavation assemblage to museums, including the items for which the Crown does not have a legal claim.

- Where human remains, faunal remains and ecofacts have been found or taken without any associated objects, there is currently no clear system to process and allocate such material to museums or other appropriate repositories.
- Future research objectives supported by advancing techniques in scientific analysis mean that the research value of human remains, faunal remains and ecofacts in archaeology is likely to continue to increase in future, making their preservation ever more relevant. The research value extends beyond the archaeological study of human societies into the remit of environmental science.
- Ethical issues concerning human remains in archaeology and museums are complex and widely debated, and relate to wider ethical, policy and legal considerations about the treatment of human remains.
- The assumption in the current system that museums are the most appropriate place for the archaeological preservation of human remains, faunal remains and ecofacts needs sector policy consideration.
- Appropriate representation from the treasure trove system should be part of these sector policy considerations.

7.7 We recommend that, subject to 7.6, the Scottish Archaeological Finds Allocation Panel is recognised as an appropriate medium for the allocation of human remains, faunal remains and ecofacts, supported by treasure trove processes.

- Feedback suggests it is often assumed that the Panel can only allocate excavated material that is defined as ownerless property and that is therefore subject to Crown claim through the treasure trove system.
- As noted at 7.6, the Panel already allocates other material in certain circumstances to ensure that all the material from an excavation is preserved together. Although ownership cannot be legally transferred in these instances, the suitability of the receiving museum to care for the material concerned is determined by the Panel in its recommendation to the KLTR.
- The Panel was created in fulfilment of one of the recommendations of the 2003 Treasure Trove Review. It combined the functions of the former Treasure Trove Allocation Panel and the former Finds Disposal Panel. The Finds Disposal Panel dealt with finds from government-sponsored fieldwork (excavations sponsored by what is now Historic Environment Scotland) which it allocated to museums or other repositories if the finds were not claimed by the Crown. This remit included finds that were not defined as ownerless property.
- In the judgement of the Review, as an independent panel with members appointed by Scottish Ministers, the Scottish Archaeological Finds Allocation Panel is the most competent and appropriate medium available for making decisions about the preservation of such material. Although the legal position is more complex than for ownerless property, the application of treasure trove processes can support this role and make the allocation of such material more consistent and transparent than is presently the case.
- Public consultation responses indicated qualified majority support from heritage organisations and museums for the proposal that the Panel should take on this role. Responses from individuals were mixed, with some metal detectorists suggesting that the system should focus its resources on its existing business and speeding response times for processing of finds.

- Feedback indicates that this extension of remit for the Panel would involve only a small number of additional cases each year with limited impact on the workload of the Panel or the Treasure Trove Unit.
- This recommendation is made subject to recommendation 7.6 above that there should be further sector consideration on overall policy in this area.

7.8 We recommend that a single digital medium (OASIS Scotland) is adopted by the treasure trove system for reporting, claiming and recording of allocations of all excavation assemblages.

- The OASIS (Scotland) digital system has been developed as a medium for communicating information about archaeological projects from fieldwork through to reporting, publication and archiving of material.
- It has the technical capability to be the medium for reporting all assemblages to the Treasure Trove Unit, for the Unit to inform excavators about claiming or disclaiming of assemblages and to share information about allocations across the whole sector.
- Agreement on use of OASIS (Scotland) will avoid duplication of function for excavators and for the Unit in record keeping and data sharing.
- A single digital medium for reporting all excavation assemblages will increase the visibility of treasure trove processes across the UK archaeology sector and support compliance with the duty to report.

Recommendation 8

We recommend that the system's response to major and complex finds is clarified and funded.

8.1 We recommend that a protocol is agreed between stakeholder organisations for the provision of emergency fieldwork and pre-allocation work on finds designated as extraordinary cases.

- In recent years, metal-detected finds of hoards and other major discoveries has prompted emergency excavation of findspots to ensure that all finds and their contexts are fully preserved and understood. This work is essential to the heritage preservation purposes of the treasure trove system and prioritises the cultural value of such finds through their contribution to knowledge.
- National Museums Scotland offers the first source of emergency response when requested to provide this service by the Treasure Trove Unit, often working alongside Unit staff. Historic Environment Scotland's call-off contract has also been made available to the Unit for emergency response to metal-detected finds of this kind. Local government archaeologists have also provided emergency response services for finds of this kind made in their areas. In these instances, the Treasure Trove Unit has the responsibility for agreeing and overseeing the scope of work, but roles and relationships have not always been clear.
- The protocol should include consideration of action in cases involving large carved stones. In certain circumstances, new finds of carved stones can be defined as ownerless property subject to the treasure trove system (see 11.5). These cases can require special considerations for conservation and transport.
- In addition to emergency response, finds of hoards and other major discoveries can demand significant resources for pre-allocation analysis and conservation work so that they can be understood, identified and stabilised for allocation through the treasure trove system. In recent years this work has been carried out both by National Museums Scotland and through Historic Environment Scotland's call-off contract. As for emergency fieldwork, the Treasure Trove Unit has the responsibility for agreeing and overseeing the scope of work, but roles and relationships have not always been clear.
- Feedback indicates a need for clarification of roles and responsibilities in relation to emergency response and pre-allocation work. This includes consideration of provision for "out of hours" responses in the knowledge that discoveries of this kind are likely to occur at weekends.
- This is a policy matter as well as an operational one. In line with our recommendation (1.1) on leadership for the system, the KLTR Office can lead discussion between the relevant organisations to agree a protocol. The experience of the National Council for Metal Detecting and other metal-detecting representative organisations can feed into these discussions and promote awareness of the agreed protocol.

8.2 We recommend that, subject to 8.3, pre-allocation costs for extraordinary cases that cannot be absorbed by stakeholder organisations are met from KLTR Office reserves, with appropriate oversight.

- Two major discoveries of complex hoards in the last ten years have incurred preallocation costs in staff time, equipment and other expenses which amount to over £100,000 in today's terms. These extraordinary case costs were absorbed or partially absorbed by the stakeholder organisations involved.
- Feedback indicates it is increasingly likely that discoveries requiring pre-allocation work of this complexity will be made in the future, as metal-detecting technology, scientific analysis and conservation techniques all advance, and as coastal erosion and other impacts of climate change expose sites and finds.
- As the principal funder of the system (2.1), the KLTR Office should be informed of and monitor pre-allocation work and associated costs for extraordinary cases in liaison with the stakeholder organisation leading on the work.
- There is scope to consider further how pre-allocation costs are assessed in relation to the setting of *ex gratia* awards in such cases (8.3).

8.3 We recommend further consideration is given to the principle of seeking cost recovery contributions towards pre-allocation costs incurred in extraordinary cases, in line with wider KLTR Office practice on cost recovery.

- Our public consultation question about the principle of cost recovery contribution from finders in extraordinary cases received a mixed response. There was no clear majority support for the principle either among organisations or individuals, and many respondents raised questions about how and in what circumstances this principle would apply.
- Public consultation responses and other feedback raised concerns about disincentivising best practice by finders who in discovering what may be a hoard or other complex find are encouraged to stop digging and report immediately to call in professional support.
- A further concern relates to the connection between *ex gratia* awards and the funds raised by the museum which has been allocated the find. Cost recovery contributions from finders could introduce potential complications for fundraising by the applicant museum if it was deemed to be covering costs incurred by other museums or heritage organisations.
- There is scope to consider further how pre-allocation costs are assessed in relation to setting of *ex gratia* awards in such cases.
- Where large *ex gratia* awards are made in cases that also involve significant preallocation costs, the KLTR Office could exercise its discretion in asking finders to donate a proportionate contribution towards these costs, with appropriate recognition being given.

Recommendation 9

We recommend that the status of “legacy collections” predating the full development of the treasure trove system is clarified and managed.

9.1 We recommend that the KLTR Office adopts a policy presumption of non-intervention for “legacy collections” where there is evidence that the finds comprising these collections are likely to have been made on or before 31 December 1999.

- Since the late 20th century, the treasure trove system has operated on a consistent basis by requiring finds to be reported and by claiming significant finds for the Crown. Prior to the late 20th century, the application of *bona vacantia* principles to safeguard heritage was less consistent. For much of the period the law was invoked only to claim outstanding and exceptional finds, and this was not done consistently.
- In consequence, “legacy collections” of finds which were found or excavated before the late 20th century, and which were neither reported, claimed nor formally disclaimed through the system, remain in the hands of individuals and organisations.
- Legacy collections can have their own integrity as examples of antiquarian or research-based collecting.
- Although the Crown reserves its right to claim all significant finds, including those found or excavated before the late 20th century, the Treasure Trove Unit does not systematically seek out legacy collections to exercise the Crown’s rights to claim them retrospectively. Legacy collections can however be brought to the attention of the Unit if they appear for public sale or if they are on loan to museums and the terms of the loan are being renewed, altered or discontinued.
- Legacy collections do not include unreported objects which were formally accessioned into museum collections prior to 31 December 1999. In 2005, the QLTR and Chair of the Scottish Archaeological Finds Allocation Panel issued a joint statement to the effect that these were deemed to have been acquired lawfully by those institutions and did not need to be reported to the Crown.
- Legacy collections can include finds which have changed hands multiple times. The link to the original finder is usually long lost. In the case of a Crown claim, individuals, collectors and dealers who have legacy collections in their possession are not considered eligible for an *ex gratia* award.
- Pursuit of Crown claims to legacy collections is complex and time-consuming, presenting ethical questions and legal issues which are open to challenge, and which must be assessed on a case-by-case basis.
- Museums need clarity on the status of inward loans of legacy collections. The recommended policy allows museums to acquire or retain legacy collections by methods other than through the treasure trove system, including through donation, purchase or maintenance of loans.
- The recommended policy allows a more collaborative dialogue with individuals, collectors and dealers who have legacy collections in their hands.
- The recommended policy would still allow for Crown claim and allocation through the system if that was the wish of the parties who have a legacy collection in their hands. In such instances, the KLTR Office should consider using its discretion to make an *ex gratia* award as it considers appropriate.

- The recommended policy would still allow for Crown claim in instances where there is an identified risk of loss to Scotland of heritage of exceptional national significance.
- There are other existing protections for legacy collections. Loss of heritage of national significance from the UK is protected by UK Export Licensing for Cultural Goods, as stipulated in section 9 of the Export Controls Act 2002.
- The complexities of this policy question mean that it was not included in the public consultation. The need for clarity about legacy collections on loan to museums was however raised in feedback from different perspectives.

Recommendation 10

We recommend measures to strengthen the legal framework of the treasure trove system.

10.1 We recommend that the KLTR Office, Police Scotland, and the Crown Office and Procurator Fiscal Service agree a scale of advice, warnings and further actions to support the Treasure Trove Unit in addressing cases of wilful non-reporting and sale of unreported finds.

- We recognise that raising awareness about the treasure trove system and the public benefit it delivers is the most effective means of encouraging and ensuring participation and compliance with the legal requirements.
- Several of our other recommendations are intended to make it as easy as possible for finders to comply with the duty to report finds and hand in finds for assessment and processing. Greater efficiency and speed in treasure trove processes will also encourage reporting.
- Our recommendations about culture change are intended to support participation in the system and increase recognition for the role that metal detectorists and other finders play in the shared objectives of preserving heritage.
- Feedback and public consultation responses, including from metal detectorists, raise the need for stronger measures to address the minority of finders who wilfully do not report finds, withhold finds, or seek to sell unreported finds. Feedback and public consultation responses suggest that the sale of unreported finds is regarded as the most serious evasion of the responsibilities of finders.
- In the past, when the Treasure Trove Unit has been alerted to online evidence of wilful non-reporting and apparent attempts to sell unreported finds, the Unit has lacked consistent support and guidance from stakeholder organisations and relevant agencies to agree courses of action.
- The Unit has built relationships with Police Scotland and now participates in the Heritage Crime Group convened by the Scottish Partnership Against Rural Crime.
- A Review workshop session with the relevant agencies discussed options for escalation and action based on the existing legal framework and considered the implications of legislative change (see 10.4).

10.2 We recommend that the Crown Office and Procurator Fiscal Service develops a specialist function for heritage crime.

- Although the Treasure Trove Unit has worked to increase awareness, the legal framework for the treasure trove system and the duties of reporting and handing in finds for processing are not widely understood by prosecutors and police. Greater familiarity with the treasure trove system in relation to heritage crime can support more effective investigation and prosecution in cases of wilful non-compliance.
- Historic Environment Scotland is recognised as a specialist reporting agency reporting cases of heritage crime directly to the Crown Office and Procurator Fiscal Service but is focussed on heritage crime in relation to sites, principally scheduled monuments and its properties in care. We are not convinced that the volume of heritage crime cases in relation to the treasure trove system merits similar status for the Treasure Trove Unit.

- Provision of a Crown Office and Procurator Fiscal Service specialist function for heritage crime would allow figures for investigations and prosecutions to be compiled and monitored.
- We note that in England and Wales the Crown Prosecution Service co-ordinates heritage crime alongside rural and wildlife crime as a specialist function. Heritage crime in Scotland does not have similar status alongside the Crown Office and Procurator Fiscal Service's Wildlife and Environmental Crime Unit.

10.3 We recommend that wilful non-reporting and sale of unreported finds features in the strategy and communications of the Scottish Partnership Against Rural Crime.

- The Scottish Partnership Against Rural Crime (SPARC) is a proactive and effective initiative which recognises the importance of heritage crime. The Partnership has been very open to awareness raising about the treasure trove system.
- The current SPARC strategy for 2022-25 features heritage crime but with a focus on protection of historic sites and illegal metal detecting on scheduled monuments. Non-reporting and sale of unreported finds does not feature.
- The development of a new SPARC strategy offers an opportunity to raise the profile of the legal obligations of the treasure trove system which can support compliance with the duty to report and help to prevent sales of unreported finds.

10.4 We recommend that the Scottish Government clarifies and strengthens the duty to report finds and the illegality of selling unreported finds by means of legislation.

- The treasure trove system in Scotland operates on common law principles. The legal position on the duty to report finds and the illegality of selling unreported finds is addressed in the Code of Practice paragraph 2.5.
- The 2003 Treasure Trove Review concluded that the legal position was "capable of being characterised as vague and unclear" and recommended legislation to introduce a statutory duty to report, as well as introducing into Scots law an offence of dealing in unreported archaeological objects. The 2007 Draft Culture (Scotland) Bill Consultation sought views on introducing an offence in Scotland of dealing in "tainted" cultural objects, similar to the offence introduced in the Dealing in Cultural Objects (Offences) Act 2003 passed by the UK Parliament but not covering Scotland. The matter lapsed when these provisions, along with other unrelated provisions, were dropped from a streamlined Culture (Scotland) Bill.
- Although we consider that suspected levels of non-reporting can be addressed in large part through positive action, culture change and measures recommended at 10.1-10.3, these measures would be strengthened by statutory clarification of the legal position and provision of appropriate sanction and penalty for noncompliance, for example a scale of fines.
- Archaeological finds are the unique cultural heritage of Scotland and may be considered to belong to everyone, and yet they are regarded in law alongside private property of any description under common law theft. The relationship with failure to report lost property under the 1982 Civil Government Act, stated in the Code of Practice, further reduces the implied seriousness of non-reporting of archaeological finds.

- There is an inconsistency in how Scots law seeks to protect archaeological heritage. Metal detecting on scheduled monuments without permission from Historic Environment Scotland is illegal under the Ancient Monuments and Archaeological Areas Act 1979. And yet the possibility of finds being lost from archaeological sites that are as yet unknown is protected only by reference to common law theft and lost property legislation.
- There is arguably a gap in Scots law relating to the illicit trade in cultural objects conforming to international conventions. There is no equivalent in Scotland to the Dealing in Cultural Objects Act 2003 which covers other parts of the UK. Unreported Scottish archaeological finds could be considered in this broader legal context.
- There are a range of options for legislative change which could be considered. Primary legislation, an amendment to Section 67 of the 1982 Civil Government (Scotland) Act referred to in the Code of Practice, or the introduction of a statutory aggravations to common law theft and reset could each be effective.
- These measures would be available to address the most serious cases. Their introduction would need to be phased with further awareness-raising communication and amnesty-type provision for finders in possession of unreported finds without intent to withhold or sell.

Recommendation 11

We recommend that the Treasure Trove Code of Practice is revised, incorporating and developing the recommendations of this Review.

11.1 We recommend that the KLTR Office leads revision of the Code of Practice, with focus group input and wider consultation on a new draft Code.

- The Code of Practice was last reviewed in 2013 and the present Treasure Trove Review was tasked with informing a pending review of the Code.
- In accordance with our recommendation (1.1) about the KLTR Office assuming policy and strategic leadership for the treasure trove system, it is the appropriate body to lead on revision of the Code.
- The KLTR Office will need the support of the steering group recommended at 1.2. It will need to convene Task and Finish groups to rewrite the Code drawing on the knowledge and experience of participants in this Review, and it can use wider focus groups to guide its work.
- Further public consultation on a full draft of the revised code may be appropriate.

11.2 We recommend that the revised Code of Practice is drafted to be more accessible and clearly broken down into guidance for different user groups.

- Acting as “the small print” for the operation of the system, the Code needs to be accessible as well as comprehensive and cohesive as a single document. Although it necessarily deals with detailed and complex processes that require precise expression, its language needs to be simplified wherever possible. Diagrams and other media should be used as appropriate.
- The existing Code is already broken down with reference to different user groups (finders, museums, local authority archaeologists). There is scope to develop this approach further. Formal guidance for user groups can be at the forefront of the Code in formats that can be understood and used easily without need for reference to entirety of the Code.

11.3 We recommend that the revised Code of Practice includes guidance for commercial metal-detecting events.

- Feedback has referenced the growing popularity of metal-detecting commercial events as one development likely to impact on the system in coming years. These events are usually described as “rallies”, often held on one day or over a weekend. Longer metal-detecting holidays are also made available commercially. These events may be distinguished in some respects from “digs” organised by metal-detecting clubs for their members, in that individual participants pay a fee to an organiser who arranges a venue with landowner permission and provides associated facilities. In some instances, proceeds are donated to charity. Larger rallies can involve upwards of 100 participants.
- These events can be a means of introducing new people to metal detecting, and they can also involve metal detectorists visiting Scotland temporarily. Such events represent opportunities for promoting best practice and knowledge of the legal obligations of the Scottish treasure trove system.

- On occasion, Treasure Trove Unit staff and staff from Historic Environment Scotland have attended such events to observe and provide advice. These are positive interactions, but provision of such support on a regular basis is not practicable.
- The duties of finds reporting and best practice in metal detecting apply to these events as they do to club and individual activity, but the concentration of numbers involved, and the participation of visiting metal detectorists resident outside Scotland means events of this kind should receive additional consideration and guidance in the new Code.

11.4 We recommend that the revised Code of Practice includes guidance for magnet fishing and underwater metal detecting.

- Feedback has referenced the emergence of magnet fishing and underwater metal detecting in rivers, inland waters and canals as developments likely to impact on the system in coming years. These are currently pursued at a relatively small scale but there is scope for them to grow in popularity.
- These practices fall under the same duties of reporting as do metal detecting and other methods of searching for archaeological finds. These duties should be stipulated in the new Code.
- The Code should refer to and develop existing heritage sector guidance on best practice, including the management of impacts on the environment.
- The Code should note that maritime salvage finds are the responsibility of the Receiver of Wreck and are not subject to the treasure trove system.

11.5 We recommend that the revised Code of Practice includes guidance on portable carved stones.

- The legal position concerning portable carved stones is complex but there are circumstances where new discoveries of portable carved stones can be subject to Crown claim through the treasure trove system.
- These possible claims need to be considered on a case-by-case basis, but the Code should refer to general policy principles.
- These principles should refer to scheduled monument and listed building legislation and to sector policy development through the 'Future Thinking on Carved Stones' framework developed as part of the Scottish Archaeological Research Framework.

11.6 We recommend that the revised Code of Practice includes guidance for landowners and land managers.

- Because they have no rights to archaeological objects found on their land, the interests and involvement of landowners and land managers are not covered in the current Code. As outlined at 3.6, landowners and land managers nevertheless have interests in the treasure trove system.
- The treasure trove system recognises the person who reports finds as the finder, communicates the progress of cases to the finder and, where appropriate, pays *ex gratia* awards to the finder. The new Code should make this clear to landowners and land managers.

- Guidance in the new Code should help landowners and land managers assess their own interests when considering requests to metal detect on their land, and to understand and support best practice and the legal obligations of the Scottish system.
- Guidance in the new Code should include reference to the benefits of using formal search agreements of the kind recommended by the National Council for Metal Detecting which has published a template permissions agreement for Scotland.

11.7 We recommend that the revised Code of Practice includes guidance about agreements between finders.

- The treasure trove system recognises the person who reports finds as the finder, communicates the progress of cases to the finder and, where appropriate, pays *ex gratia* awards to the finder. The new Code should make this clear to finders.
- Guidance in the new Code should help individuals assess their own interests when searching for finds as part of a group. Guidance in the new Code should include reference to the benefits of using formal permissions agreements in these circumstances.

Recommendation 12

We recommend that the impact of public investment in the treasure trove system is further evaluated after a period of reform.

12.1 We recommend that a Best Value-type study of the treasure trove system is conducted at the end of the first strategic plan cycle recommended at 1.3.

- The adoption of policy and strategic leadership of the system by the KLTR Office recommended at 1.1 can allow for ongoing evaluation of the performance of the system, measured against the strategic plan recommended at 1.3.
- The impact of the measures recommended in this Review could however be evaluated as part of an external Best Value-type study which can assess public investment in the system in balance with continuous improvements and public benefit delivered.
- Such a study would be most effectively undertaken at a point to be determined by the KLTR Office, supported by the Steering Group recommended at 1.2, which conforms to the planning and delivery of reform in the system.

Part 3: Guide to the Review

Timetable

The Treasure Trove Review was launched in September 2023 with the objective of submitting its final report and recommendations to the KLTR at the end of August 2024. The project was divided into three phases:

- Research and initial stakeholder engagement phase (September 2023 – January 2024) where the Review team conducted a literature review, stakeholder engagement meetings and interviews, and convened the Advisory Group from selected stakeholder and representative organisations which met in January to consider draft questions for the public consultation.
- Public consultation phase (February – April 2024) which consisted of a public consultation, hosting topic specific workshops, continued stakeholder engagement not directly linked to the public consultation and conducted comparative research on treasure systems in other parts of the UK and internationally.
- Analysis and reporting phase (May – August 2024) when the Review team analysed the responses to the public consultation and drafted summary findings and recommendations. A second meeting of the Advisory Group in June discussed the public consultation response and outline recommendations. The Review team also participated in focus groups hosted by the Before the Museum project, part of Scotland's Archaeology Strategy, to consider sector strategies for the transfer of archaeological assemblages to museums. The Review's planned workshop on treasure trove processes for assemblages was incorporated into this programme, with the Review team leading one focus group.

Methodology

The methodology employed by the Review involved:

- Conducting a review of published and unpublished literature about the system, its history and context.
- The convening of an advisory group to function as a sounding board for the Review's approach to engagement work, public consultation questions and developing recommendations.
- Open and equitable stakeholder engagement through meetings with individuals and organisations involved in the treasure trove process, notably metal detectorists, museum curators and archaeologists but extending to a range of interested organisations.
- Hosting topic specific workshops with invited participants to focus on specialised issues and proposals raised in the course of the Review.
- Research and meetings with treasure systems in other UK and international jurisdictions, principally England and Wales, Northern Ireland, the Isle of Man, Jersey, Guernsey, Ireland, Denmark and the Netherlands.
- Conducting a public consultation on the treasure trove system.

Literature review

The Review team gathered and assessed published and unpublished sources on the history, operation and context of treasure trove in Scotland. These included key working documents such as the Code of Practice, annual reports and minutes of the Scottish Archaeological Finds Allocation Panel, records of earlier reviews, sector policy papers and other organisational grey literature, and academic papers in archaeology and legal publications and research repositories. We are grateful to Dr Hugo Anderson-Whymark of National Museums Scotland for briefing the Review team and KLTR Office colleagues about his ongoing research into the 19th and early 20th century history of treasure trove.

Select bibliography (sources published since 2003)

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Advisory Group

To support the process of designing and conducting the Review, an advisory group was convened from selected stakeholder and representative organisations. The Advisory Group provided feedback on our strategy for stakeholder engagement, on the drafting of questions published in the public consultation and on the formulation of recommendations in the final report. The Group's input helped to ensure that the process was as comprehensive and objective as possible. The organisations represented on the group each also participated in stakeholder engagement and the Review's public consultation separately from their Advisory Group contribution. The recommendations of the Review are the conclusions of the Review team alone.

Advisory Group members

- Dr Sam Alberti – Director of Collections, National Museums Scotland
- Nastassja Beaton – Team Leader, National Collections & Capital Projects, Scottish Government Cultural Access and Organisations.
- Lucy Casot – Chief Executive Officer, Museums Galleries Scotland
- Dr Simon Gilmour – Director, Society of Antiquaries of Scotland
- Dr Andrew Heald – Chair, Scottish Strategic Archaeology Committee
- John Lawson – Chair, Association of Local Government Archaeological Officers
- John Logue – King's and Lord Treasurer's Remembrancer
- Jane Ryder – Chair, Scottish Archaeological Finds Allocation Panel
- Bobby Sandeman – Chief Executive Officer, KLTR Office
- Alan Tamblin – General Secretary, National Council for Metal Detecting
- Rona Walker – Head of Collections and Applied Conservation, Historic Environment Scotland

Stakeholder engagement

From the outset, the Review aimed to engage with a wide range of stakeholders to gain a better understanding of different perspectives on the system and the challenges that it faces. The Review team identified relevant stakeholders and divided them into those who played a role in the functioning of the system, and those with a special interest in distinct areas of the process. The Review team held a series of meetings with groups and individual representatives from stakeholder organisations and conversations with other individuals with experience of the system, including former members of the Scottish Archaeological Finds Allocation Panel and organisers of metal-detecting events.

For each meeting, the Review team tailored questions to each stakeholder's function or interest while inviting discussion of topics raised by the organisation or individual. Members of the Review team also accompanied Treasure Trove Unit staff in outreach work, meeting finders and museum staff at museum venues and metal-detecting events in different parts of Scotland. Where direct engagement was not achieved, representative organisations undertook to publicise the public consultation through their memberships (e.g. higher education institution archaeology departments).

Discussions were wide-ranging but focused on the following topics:

- How the treasure trove system can best deliver public benefit.
- Whether the legal principles, reporting requirements and significance criteria that underpin the system remain fit for purpose.
- Increasing efficiency and transparency in the system to improve turnaround times for reported objects.
- Maximising reporting of finds.
- Increasing participation, trust and collaboration amongst finders and stakeholders.
- Understanding the obstacles to the acquisition of finds by museums.
- Investment in technology to streamline the system.
- Sector initiatives on standards for archaeological assemblages passing into museums.
- Options for the recording, processing and allocation of human remains, faunal remains, and ecofacts, which currently sit outside of the treasure trove system in certain circumstances.
- The viability of a potential Treasure Trove Partner Museum network, and whether this would be of benefit to finders and museums.
- Procedures and transparency regarding *ex gratia* awards and market value.
- Resourcing of the system and costs associated with the conservation of finds.
- Leadership within the system and the roles of stakeholders.

UK organisations and government departments consulted included:

- Antiquities Dealers' Association
- Archaeology Scotland
- Association of Local Government Archaeological Officers
- Crown Office and Procurator Fiscal Service
- Chartered Institute for Archaeologists
- Federation of Archaeological Managers and Employers
- Historic Environment Scotland
- King's and Lord Treasurer's Remembrancer Office
- Lyon & Turnbull
- Museums Working Group (Scotland's Archaeology Strategy)
- Museums Galleries Scotland
- National Council for Metal Detecting
- National Farmers Union (Scotland)
- National Museums Scotland
- National Trust for Scotland

- Police Scotland
- Scottish Archaeological Finds Allocation Panel
- Scottish Detecting Club
- Scottish Government Cultural Access and Organisations
- Scottish Land and Estates
- Scottish Partnership Against Rural Crime
- Scottish Strategic Archaeology Committee (Scotland's Archaeology Strategy)
- Society of Antiquaries of Scotland
- Society of Local Authority Lawyers & Administrators in Scotland Licencing Group.
- Treasure Trove Unit

Topic workshops

Following on from bilateral discussions with stakeholder organisations covering a range of topics, there was a need to bring stakeholders from different organisations together to gain a more comprehensive understanding of specified issues and discuss proposed change.

The Review team held workshop sessions on:

- The viability of a Treasure Trove Partner Museum network.
- The legal robustness of the system.
- Treasure Trove processes related to archaeological assemblages (held in conjunction with ongoing sector consultation work in the Before the Museum project, part of Scotland's Archaeology Strategy).

Workshop on Treasure Trove Partner Museums

Attendees: Association of Local Government Archaeological Officers, Dumfries and Galloway Museum, Elgin Museum, Inverness Museum and Art Gallery, McManus: Dundee's Art Gallery and Museum, Museum Nan Eilean, Museum Galleries Scotland, Museums Working Group (Scotland's Archaeology Strategy), National Museums Scotland, Orkney Museum, and Shetland Museum.

The purpose of this workshop was to explore the viability of a formal Treasure Trove Partner Museum network. It sought to establish what practical measures would make such a scheme attractive to museums, and to understand the commitment of time and resources that would need to be supported by the system to make such a scheme successful. Discussions were structured around a series of process diagrams which indicated how the partner museum role could work, and these were refined according to questions and concerns that were raised.

Topics addressed included:

- Defined separation of function from the museum role of applying for finds.
- Formal agreements to cover minimum requirements, liability for finds, reference of complaints.

- Scheduled finds drop-off days as a way for museums to manage demand and their commitment of time.
- Regular scheduled visits from Treasure Trove Unit staff.
- The need for distinct entry processes and documentation for finds, separate from other museum processes.
- Safe storage for finds separate from other museum storage.
- The continuing role for local authority archaeologists in liaising with finders and supporting triage of finds.
- The continuing role for museums not designated as partner museums in liaising with finders and triage of finds.

Workshop on legal robustness of the system

Attendees: Representatives from the Crown Office and Procurator Fiscal Service, Historic Environment, KLTR Office, Civil Recovery Unit, Police Scotland, and the Treasure Trove Unit.

The purpose of this workshop was to advise the Review from legal and policing perspectives how compliance with the duty to report and hand-in finds could be strengthened within existing legal frameworks, and to consider the possible impact of legislative change. Discussions were structured around a series of scenarios using online evidence for wilful non-reporting and the sale of unreported finds.

Topics addressed included:

- The importance of awareness-raising, positive engagement and building of trust as principal tools to maximise reporting overall.
- Wilful non-reporting and attempts to sell finds are likely to be a feature of any system.
- Concerns expressed to the Review about lack of action on non-compliance, notably from among responsible metal detectorists.
- The need to emphasise the cultural value of archaeological finds, rather than purely monetary value, in prioritising official action on wilful non-reporting and sale of unreported finds.
- Options for action through civil and criminal routes.
- Scales of advice, warnings and action that could be taken in appropriate circumstances.

Workshop on archaeological assemblages (hosted by the Before the Museum project)

The work of the Review in relation to the processing of assemblages partially coincided with a consultation programme being conducted within the Before the Museum project. This is a project strand of Scotland's Archaeology Strategy which is seeking to develop standards for the transfer of archaeological assemblages to museums and introducing fees that will pass to museums along with assemblages. The Review team attended sector focus groups hosted by the project and accepted the opportunity to lead a focus group session dedicated to treasure trove considerations raised by the project proposals. Attendees included representatives of museums, commercial archaeology units, local authority archaeologists and Historic Environment Scotland.

Topics addressed included:

- Reporting and allocation of assemblages through treasure trove processes at an earlier stage of archaeological projects than currently.
- The potential role of the Treasure Trove Unit and KLTR Office in receiving and disbursing museum deposition fees.
- The optimum timing within archaeological projects for payment of fees by archaeological contractors.
- The Review team's proposal for a form of provisional treasure trove allocation early in a project to allow greater museum involvement in projects as they progressed.
- The introduction of an agreed national standard increasing museum confidence in applying for allocations without direct involvement in projects.
- An additional role for the Treasure Trove Unit in monitoring assemblages through the system against the national standard.
- The charging of an administrative fee by the KLTR Office for the processing of assemblages, and potential legal impediments within the planning process.
- An additional role for the treasure trove system in the allocation of human remains, faunal remains and ecofacts, even where these are found without associated objects.

UK and international comparisons

To inform best practice, the Review team conducted research and analysis on treasure systems in other UK and international jurisdictions.

All treasure systems have broadly similar objectives and face similar challenges with regard to the recording and preservation of archaeological finds, although how they meet challenges is subject to the different processes and legislation that underpin their approach.

Jurisdictions that shared similarities with the Scottish system were considered, notably England and Wales, Northern Ireland, the Isle of Man, Jersey, Guernsey, the Netherlands and Denmark while markedly different legal approaches (e.g. Ireland) were also considered. This research was mainly conducted via online meetings, although where appropriate members of the Review team conducted in-person research and interviews, including attendance at meetings of the Treasure Valuation Committee, London and an event hosted by the Portable Antiquities of the Netherlands, Utrecht.

Topics addressed included:

- The planning and operation of different treasure systems.
- Legislative frameworks, especially where jurisdictions were either considering or had recently introduced new treasure legislation.
- Engagement and collaboration of professional staff with finders.
- Applications of digital technology to facilitate reporting.
- The role of museums and universities in facilitating networks and collaboration with metal detectorists.

UK and Crown dependencies

England	Arts Council England Department for Culture, Media and Sport The British Museum Treasure Secretariat/Portable Antiquities Scheme Treasure Valuation Committee
Northern Ireland	National Museum of Northern Ireland
Wales	Amgueddfa Cymru
Guernsey	States of Guernsey
Isle of Man	Manx National Museum
Jersey	Jersey Heritage

International jurisdictions

Ireland	National Museum of Ireland
Denmark	Aarhus University Danish Treasure Trove Sydvestyske Museer
The Netherlands	Portable Antiquities of the Netherlands

Public consultation

In February 2024 the Review launched a 13-week public consultation asking for views on questions grouped under the themes *Scope and Principles*, *Working with Museums and Finders*, *Governance and Resourcing* and *Looking Ahead*.

The Review was launched with support from Communications colleagues at the KLTR Office, Crown Office & Procurator Fiscal Service and National Museums Scotland, which attracted national media coverage including feature coverage and interviews broadcast by BBC Scotland and STV. Stakeholder colleagues publicised the public consultation through their networks.

The public consultation questions were drawn up by the Review team, following up on topics raised in initial stakeholder engagement work. Draft questions were trialled for comprehension with the Advisory Group and the Treasure Trove Unit and subjected to a readability test through the consultation software supplied by Qualtrics LLC.

The public consultation was live online from 19 February to 13 May 2024, and could be completed either as a webform survey hosted by Qualtrics LLC, or as a downloaded PDF, both accessed through the KLTR website.

Part 4: Public consultation summary analysis

Analysis methodology and data organisation

In total, 143 public consultation responses were received via email, webform, and PDF. Twelve responses were excluded from the analysis, as 8 were blank submissions and 4 were submitted via email without any reference to the questions, although this content was considered within general feedback.

Breakdown of surveys included in analysis

Surveys used in analysis	131
Organisations	37
Individuals	94

Group	Subgroup	Number of respondents
Organisation	City council interest	7
	Commercial archaeology	3
	Heritage/archaeology organisation	20
	Landowner interest	2
	Metal detectorist group	4
	Other	1
Individual	Amateur heritage enthusiast	6
	Art market	2
	Metal detectorist	61
	Heritage/archaeology individual	25

All responses were read, considered in full and compared by the Review team. Questions followed a format where respondents were asked for their views on a topic or proposal, in some instances followed by a supplementary question where they could make related suggestions on change.

A general breakdown of responses is provided in a table for each question showing the percentage response rate for each question, with the totals for responses from organisations, individuals and those left blank.

For summary purposes, responses that relayed views were categorised as positive, mixed or negative. Where applicable, a second table provides the percentage breakdown of these categories.

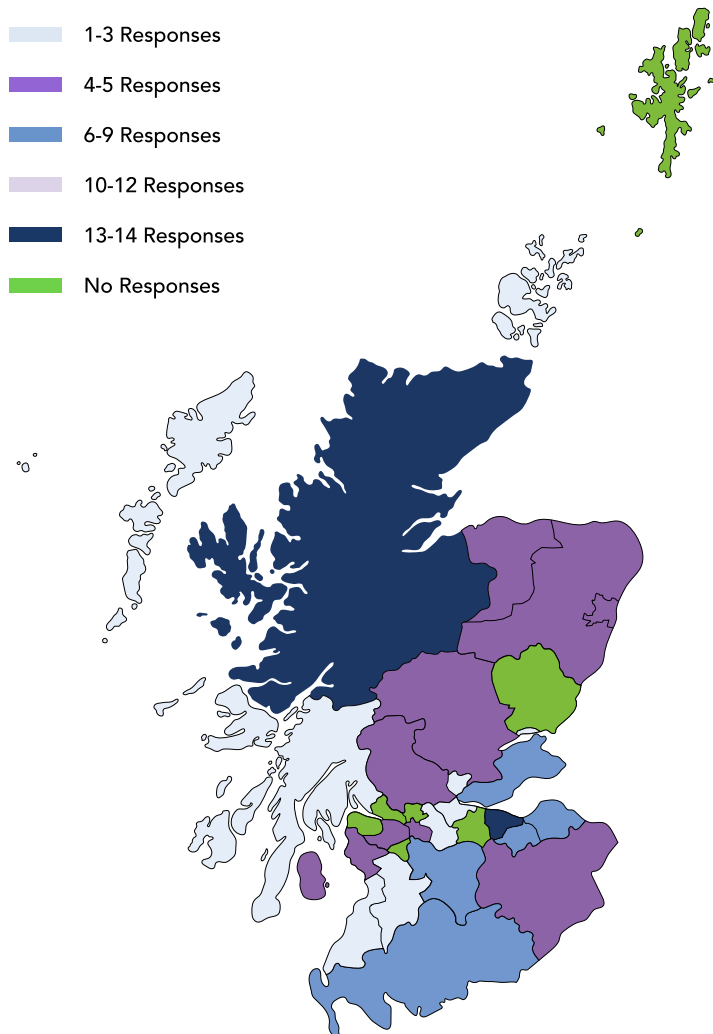
Placement on a positive, mixed, negative spectrum can of course be subjective and influenced by reader bias. However, this approach allows for a range of opinion to be accounted for, while reducing the risk of disregarding any single answer. To mitigate

subjectivity in analysis, information regarding identification was hidden while responses were assessed, and once a category was assigned the analysis was peer reviewed within the KLTR Office.

The consultation document advised respondents that they did not need to reply to all questions and could choose to reply only to those parts that interested them or where they had relevant experience of the treasure trove system.

In some instances, respondents misinterpreted the more complex questions or misunderstood aspects of the system, indicating a general need to raise awareness about the system and its processes and communicate them better.

Local authority breakdown



Local authority

Local authority	# of total responses	Organisations	Individuals
City of Edinburgh	14	9	5
Highland	13	5	8
Fife	9	0	9
Dumfries and Galloway	7	0	7
East Lothian	7	3	4
Midlothian	7	1	6
South Lanarkshire	6	2	4
Aberdeen City	5	1	4
Glasgow City	5	3	2
Perth and Kinross	5	0	5
Scottish Borders	5	1	4
Aberdeenshire	4	1	3
Moray	4	1	3
North Ayrshire	4	1	3
Renfrewshire	4	0	4
Stirling	4	0	4
Falkirk	3	1	2
North Lanarkshire	3	0	3
Clackmannanshire	2	0	2
Nan Eilean Siar	2	2	0
Scotland Wide	2	2	0
East Ayrshire	1	0	1
Argyll and Bute	1	0	1
Dundee City	1	1	0
Orkney Islands	1	0	1
South Ayrshire	1	0	1
Angus	0	0	0
West Lothian	0	0	0
East Ayrshire	0	0	0
West Dunbartonshire	0	0	0
East Dunbartonshire	0	0	0
Responses from other UK jurisdictions	11	3	8

Summary response by question

Questions on public benefit

1a. Does the preservation and recording of heritage delivered by the treasure trove system represent meaningful public benefit?

There were 123 (93.9%) completed responses to this question. 111 (84.7%) of respondents agree that the treasure trove system represents meaningful public benefit, compared to 3 (2.3%) that disagreed and 9 (6.9%) that were mixed/unsure. Points raised included:

Public benefits and strengths of the system

- The recording of a wide variety of significant cultural objects ensures valuable information is available to the public and future generations.
- Increasing public awareness of the treasure trove system’s work and findings connects people with Scotland’s rich archaeological past.
- The system helps prevent/minimise significant archaeological material from being sold on the open market.

Suggestions for improvement

- Develop a public engagement or communications role to connect the various stakeholders and users of the system.
- Further develop a public database and a finds distribution map to assist with research.
- Delays in processing times due to historic backlogs need to be addressed.

Response breakdown	Group	Number of responses
Answers provided – 123 (93.9%)	Organisations	35
	Individuals	88
Blank responses – 8 (6.1%)	Organisations	2
	Individuals	6

Does the treasure trove system provide meaningful public benefit?		
Answer	Total responses	Percentage
Yes	111 (31 Organisations, 80 Individuals)	84.7
No	3 (0 Organisations, 3 Individuals)	2.3
Mixed/Unsure	9 (4 Organisations, 5 Individuals)	6.9
Unanswered	8 (2 Organisations, 6 Individuals)	6.1

1b. What more can the treasure trove system do to deliver public benefit (for example: training and research)?

There were 112 (85.5%) completed responses to this question. Points raised included:

General suggestions

- Increase the Treasure Trove Unit’s outreach by holding more ‘Finds Days’ at local museums and metal-detecting clubs.
- Have the system formally recognise the metal detectorists who contribute to heritage preservation.
- Increase Treasure Trove Unit staffing to manage the quantity of finds being submitted.
- Increase Treasure Trove Unit staff presence at commercial metal-detecting events.

Compliance

- Organise amnesty events tied to educational programmes where the Treasure Trove Unit would be able to raise public awareness of the legal obligation to report finds.
- Balance strict enforcement with positive engagement methods that encourage reporting.

Reporting and allocation processes

- Consider higher *ex gratia* awards for finds to encourage more reporting.
- Improve communication with finders and speed up processing times to encourage reporting.
- Decentralise the system beyond Edinburgh to increase access to the Treasure Trove Unit for those unable to travel.

Technology and interconnectivity

- Develop an easily accessible and navigable website for treasure trove information and data.
- Develop a “Treasure Trove App” to track progress of finds through the system.

Response breakdown	Group	Number of responses
Answers provided – 112 (85.5%)	Organisations	32
	Individuals	80
Blank responses – 19 (14.5%)	Organisations	5
	Individuals	14

Questions on the significance criteria for claiming finds

2a. Given the high levels of archaeological activity across Scotland in recent years, do these comprehensive criteria remain fit for purpose?

There were 115 (87.8%) completed responses to this question. 66 (50.4%) of respondents confirmed that the criteria are fit for purpose, compared to 23 (17.6%) that disagreed and 26 (19.8%) that were mixed/unsure. Points raised included:

Criteria fit or largely fit for purpose

- The criteria's comprehensiveness and inclusion of material types is a strength and should allow for reporting as much material as possible.
- Providing clearer criteria would be helpful for finders.

Criteria not fit or largely not fit for purpose

- Relaxing/narrowing the criteria could be considered to avoid overwhelming the Treasure Trove Unit officers.
- Due to poor resources the process is being overburdened by the overly wide criteria.
- Significance can vary depending on regions, so certain items from specific areas should not require reporting.

Suggestions and concerns

- The selection criteria need to be more prominent on the treasure trove Scotland website.
- All archaeological material has value, and a shift in criteria should be avoided.
- Considerations about museum capacity, storage and cost are essential and should be reflected in any revisions.

Response breakdown	Group	Number of responses
Answers provided – 115 (87.8%)	Organisations	33
	Individuals	82
Blank responses – 16 (12.2%)	Organisations	4
	Individuals	12

Are the significance criteria fit for purpose?		
Answer	Total responses	Percentage
Yes	66 (26 Organisation, 40 Individual)	50.4
No	23 (0 Organisation, 23 Individual)	17.6
Mixed/Unsure	26 (7 Organisation, 19 Individual)	19.8
Unanswered	16 (4 Organisation, 12 Individual)	12.2

2b. If not, what change would you suggest?

There were 68 (51.9%) completed responses to this question. Points raised in addition to those given in response to question 2a included:

What to report

- There is a lack of clarity over what constitutes a “significant” find and respondents were unsure of which objects should be reported.
- Consider reviewing what qualifies as a “reportable” item, to address the volume of reported metal-detected finds.

Response breakdown	Group	Number of responses
Answers provided – 68 (51.9%)	Organisations	23
	Individuals	45
Blank responses – 63 (48.1%)	Organisations	14
	Individuals	49

Questions on human and animal remains and environmental samples

3a. Should the treasure trove system take on the role of allocating archaeological human and animal remains and environmental samples that have been excavated or found without any associated objects?

There were 112 (85.5%) completed responses to this question. 50 (38.2%) of respondents agreed the treasure trove system should take on the role of allocating archaeological human and faunal remains, compared to 30 (22.9%) that disagreed and 32 (24.4%) that were mixed/unsure.

Responses to this question suggested some respondents were unaware that the system already processes archaeological assemblages from professionally structured excavations, as well as metal-detected and other chance finds. Points raised included:

“Yes” responses

- Yes, if they are found in archaeological excavations.
- Ensure the integrity of assemblages that would otherwise be broken up.
- A single, comprehensive system that removes ambiguities.

“No” responses

- Ethical concerns about the handling of human remains.
- Overburdening the system, slowing down finds processing.
- Ecofacts in themselves are not objects, so the Treasure Trove Unit should not be processing these materials.

Are the Significance criteria fit for purpose?

Answers provided – 112 (85.5%)	Organisations	33
	Individuals	79
Blank responses – 19 (14.5%)	Organisations	4
	Individuals	15

Should the treasure trove system take on the role of allocating non-treasure archaeological materials excavated or found without any associated objects?

Answer	Total responses	Percentage
Yes	50 (18 organisation, 32 individual)	38.2
No	30 (5 organisation, 25 individual)	22.9
Mixed/Unsure	32 (10 organisation, 22 individual)	24.4
Unanswered	19 (4 organisation, 15 individual)	14.5

3b. If not, where do you consider the responsibility for this material lies?

There were 60 (45.8%) completed responses to this question.

As with the previous question, there was a degree of confusion and assumption surrounding this aspect of the treasure trove system. Points raised in addition to those given in response to question 3a included:

- Creation of a new organisation.
- Reference to responsibility falling to Historic Environment Scotland or the Scottish Government.
- Establishment of environmentally controlled depositories in Scotland, funded by universities or government, as an alternative to museum collections.

Response breakdown

	Group	Number of responses
Answers provided – 60 (45.8%)	Organisations	21
	Individuals	39
Blank responses – 71 (54.2%)	Organisations	16
	Individuals	55

Questions on proposed Treasure Trove Partner Museum network

4a. Would such a network encourage reporting and communication? If not, why?

There were 119 (90.8%) completed responses to this question. 91 (69.5%) respondents agree, in principle, that a Treasure Trove Partner Museum network would be beneficial, while 6 (4.5%) disagreed and 22 (16.8%) were mixed/unsure. Points raised included:

Positives

- Holding finds locally would build trust between the Treasure Trove Unit, museums and finders, and would encourage reporting.
- It would also address the expense and time associated with finders traveling to Edinburgh.
- A network would formalise existing relationships between the Treasure Trove Unit and museums.
- It could potentially reduce the workload of the Treasure Trove Unit by allowing initial assessments at museums.

Concerns

- Clarity and transparency are essential to avoid perceptions of preferential allocation to partner museums.
- Risk of damaging existing relationships between organisations.
- Ensuring secure storage and advising finders on how finds are handled is essential to build trust among metal detectorists.
- The existing role of local authority archaeologists needs to be supported.

Outreach, support, and training

- Museums would require separate storage for treasure trove items, separate paperwork for treasure trove entries and insurance or indemnification for finds.
- Such a network would only be valuable if there is an investment in publicity to spread awareness and encourage participation.
- Additional opportunities for support and training for museum staff, especially those museums without an archaeology curator, would be valuable.

Response breakdown	Group	Number of responses
Answers provided – 119 (90.8%)	Organisations	34
	Individuals	85
Blank responses – 12 (9.2%)	Organisations	3
	Individuals	9

Would a Partner Museum network encourage reporting and communication?

Answer	Total responses	Percentage
Yes	91 (24 organisation, 67 individual)	69.5
No	6 (1 organisation, 5 individual)	4.5
Mixed/Unsure	22 (9 organisation, 13 individual)	16.8
Unanswered	12 (3 organisation, 9 individual)	9.2

4b. What benefits would 'Treasure Trove Partner Museum' status bring for museums?

There were 105 (80.2%) completed responses to this question. Points raised included:

Benefits

- Increased access to resources and better means of communicating with finders.
- Partner museums would gain further insights into what has been found in their specific area.
- Partnering could lead to a higher public profile and potentially increased visitor numbers.
- Partner museums would serve as a focal point for finders, encouraging them to engage with museums and donate their finds and educate the public about the treasure trove system.
- It would highlight the role of local museums in the treasure trove system and dispel the notion that objects disappear to Edinburgh.

Concerns

- Partner museum status would be meaningless without sufficient funding and support.
- The proposal could increase the chance of finds going missing.
- The proposal could increase the workload of museums.
- Additional staffing at partner museums, equivalent to Finds Liaison Officers in England & Wales, would be valuable.

Response breakdown	Group	Number of responses
Answers provided – 105 (80.2%)	Organisations	32
	Individuals	73
Blank responses – 26 (19.8%)	Organisations	5
	Individuals	21

4c. What kind of support would museums need to act as partners?

There were 101 (77.1%) completed responses to this question. Points raised included:

- Would require sufficient training and funding, to pay for staff time and to fund the finds days and related events.
- Formalised agreements between Treasure Trove Unit and museums would provide assurance to museums.
- Outreach efforts to raise awareness of the programme and achieve buy-in from finders.
- Provision of training sessions for new metal detectorists.
- Additional staffing.

Response breakdown	Group	Number of responses
Answers provided – 101 (77.1%)	Organisations	31
	Individuals	70
Blank responses – 30 (22.9%)	Organisations	6
	Individuals	24

Questions on obstacles to museums applying for allocation of finds.

5a. What are the main obstacles that museums face in the bidding and allocation process?

There were 99 (75.6%) completed responses to this question. Points raised included:

- Many museums operate in an environment with financial limitations. Acquiring and maintaining artefacts require resources, including funds for purchase, conservation, and display.
- Shortages of staff with relevant expertise affects a museum's ability to handle and preserve archaeological artefacts effectively.
- Staffing shortages mean museums lack time for treasure trove applications and other acquisition tasks.
- Museums must balance collecting interests with their ability to fund acquisitions.
- Museums need sufficient and appropriate storage space for new acquisitions, especially sizable archaeological assemblages.

Response breakdown	Group	Number of responses
Answers provided – 99 (75.6%)	Organisations	32
	Individuals	67
Blank responses – 32 (24.4%)	Organisations	5
	Individuals	27

5b. What measures could be taken to adapt the system to support museums in their bids for allocation of treasure trove finds?

There were 93 (71.0%) completed responses to this question. Points raised included:

- Better collaboration with finders and recognition of their contribution to encourage donations and recognition.
- Clearer guidelines for documenting archaeological assemblages.
- Support with understanding significance criteria.
- A payment system that spreads out the cost of acquiring artefacts.

Response breakdown	Group	Number of responses
Answers provided – 93 (71.0%)	Organisations	30
	Individuals	63
Blank responses – 38 (29.0%)	Organisations	7
	Individuals	31

Question on reporting levels

6. What are the main obstacles to the reporting of finds?

There were 120 (91.6%) completed responses to this question. Points raised included:

- Delays in processing treasure trove items were referenced as discouraging finders from reporting.
- Recognition of finders and their role in preserving heritage would encourage more people to report.
- Costs involved with traveling or sending objects to Edinburgh is a deterrent.
- A lack of clarity regarding the requirement to report seemingly insignificant finds.
- Improved transparency and communication between the Treasure Trove Unit and finders would foster trust and encourage reporting.
- Concerns about the find site being scheduled.
- *Ex gratia* awards being insufficient.
- References to prejudices against metal detecting from within the museums and heritage sector.
- Local museums could act as safe delivery points, as not everyone can make the journey to Edinburgh.
- Establishing partnerships with local museums or heritage centres would provide safe drop-off points for finds.

Response breakdown	Group	Number of responses
Answers provided – 120 (91.6%)	Organisations	34
	Individuals	86
Blank responses – 11 (8.4%)	Organisations	3
	Individuals	8

Questions on a reporting app

7a. Would an app of this kind be widely used by finders? If not, why not, and what would encourage its use?

There were 119 (90.8%) completed responses to this question. 86 (65.6%) respondents responded positively to the proposal of developing a reporting app and provided suggestions for functionalities to be included, whereas 10 (7.6%) were negative and 23 (17.6%) were mixed/unsure of the overall benefit. Points raised included:

- Successful adoption would rely on awareness campaigns.
- Ease of use and compatibility across platforms.
- Needs to enable remote triage of finds for reporting.
- Concerns over costs to users.
- Concerns about data privacy and security regarding personal details and potential findspots.
- For an app to be fully embraced, training for users would be needed.
- Even though an app may be helpful for some users, other reporting channels should also be possible.

Response breakdown	Group	Number of responses
Answers provided – 119 (90.8%)	Organisations	31
	Individuals	88
Blank responses – 12 (9.2%)	Organisations	6
	Individuals	6

Would a reporting app be widely used?

Answer	Total responses	Percentage
Yes	86 (15 organisation, 71 individuals)	65.6
No	10 (4 organisations, 6 individuals)	7.6
Unsure	23 (12 organisations, 11 individuals)	17.6
Unanswered	12 (6 organisation, 6 individuals)	9.2

7b. What additional measures could be taken to make reporting easier?

There were 98 (74.8%) completed responses to this question. Points raised in addition to those given in response to question 7a included:

- Better resourcing of the system would reduce delays to processing times which would increase the rate of reporting.
- Availability of staff locally and outside office hours.
- Better communications and transparency between the Treasure Trove Unit and finders.
- Provide greater clarity on reporting requirements.
- Explore the use of technology to make reporting easier.
- Social media as a channel for advice and reporting.
- Amnesty for late reporting.

Response breakdown	Group	Number of responses
Answers provided – 98 (74.8%)	Organisations	26
	Individuals	72
Blank responses – 33 (25.2%)	Organisations	11
	Individuals	22

Questions on awards and market value

8a. Is the principle of *ex gratia* awards linked to market value fair for finders and museums, and does it work well in practice?

There were 111 (84.7%) completed responses to this question. 47 (35.9%) responses agreed with the principle that it was fair for *ex gratia* awards to be linked to the market, compared to 22 (16.8%) that disagreed and 42 (32.1%) that were mixed/unsure. Points raised included:

- Assessment of valuations need to be more transparent.
- Inclusion of auctioneers on the Scottish Archaeological Finds Allocation Panel.
- Preference for open market approach.
- Introduce award bands and maximum awards.
- Awards to landowners.
- Make clear that an award is not a purchase.
- Clarify that the museum, not the Crown or government, pays this reward.
- Routine valuations for higher-value items.

Response breakdown	Group	Number of responses
Answers provided – 111 (84.7%)	Organisations	33
	Individuals	78
Blank responses – 20 (15.3%)	Organisations	4
	Individuals	16

Is linking the <i>ex gratia</i> award to market value fair?		
Answer	Total responses	Percentage
Yes	47 (20 organisations, 27 individual)	35.9
No	22 (1 organisation, 21 individual)	16.8
Mixed/Unsure	42 (12 organisation, 30 individual)	32.1
Unanswered	20 (4 organisation, 16 individuals)	15.2

8b. Are there any measures concerning the method of setting of *ex gratia* awards that could increase confidence in the system?

There were 89 (67.9%) responses to this question which made suggestions on how to increase confidence in the system with regard to *ex gratia* award payments. Points raised in addition to those given in response to 8a included:

- Unfettered access to the find for valuation purposes during the process.
- Build trust by explaining the difference between *ex gratia* awards and auction prices.

Response breakdown	Group	Number of responses
Answers provided – 89 (67.9%)	Organisations	27
	Individuals	62
Blank responses – 42 (32.1%)	Organisations	10
	Individuals	32

Question on the waiving of rewards

9. What measures might encourage finders to waive *ex gratia* awards to help museums acquire finds?

There were 113 (86.3%) valid responses to this question. Points raised included:

Acknowledgment and alternative means of reward

- Acknowledgement of finders' efforts in museums.
- Offering training and educational opportunities related to archaeology and artefact preservation could be an alternative form of reward.

- Publicising instances where finders choose to waive *ex gratia* awards, highlighting their contribution to preserving history.

Practical issues

- Finders use *ex gratia* awards to cover their equipment and travel costs.
- Agreements with landowners to split *ex gratia* awards adds complications.
- Streamlining the processing time.
- Allow finders to offer finds to their preferred accredited museums.

Response breakdown	Group	Number of responses
Answers provided – 113 (86.3%)	Organisations	32
	Individuals	81
Blank responses – 18 (13.7%)	Organisations	5
	Individuals	13

Question on observing the law

10. What more could be done to address deliberate non-reporting of finds and tackle dishonesty?

There were 113 (86.3%) valid responses to this question with suggestions on how to address the wilful non-reporting of finds. Points raised included:

Positive engagement

- Collaborate with metal-detecting clubs to encourage members to report finds.
- Publicise the new, updated Code of Conduct when it is available.
- Educate landowners, detectorists, and the public about reporting processes and encourage them to report those detecting without permission.

Legal means

- Introduce fines to discourage illegal behaviour.
- Highlight consequences of non-compliance.
- Allocate more resources to investigate heritage crime.

Building trust and dispelling misconceptions

- Address concerns about valuations and transparency of process.
- Recognise responsible metal detecting and work with responsible metal detectorists to reduce heritage crime.

Response breakdown	Group	Number of responses
Answers provided – 113 (86.3%)	Organisations	31
	Individuals	82
Blank responses – 18 (13.7%)	Organisations	6
	Individuals	12

Questions on leadership and communication

11a. Would the creation of an advisory group, led by the KLTR Office, bring benefits to the system?

There were 93 (70.9%) completed responses to this question. 54 (41.2%) of respondents agreed that the creation of an advisory group would bring benefits to the treasure trove system, compared to 14 (10.7%) that disagreed and 25 (19.1%) that were mixed/unsure.

Points raised included:

- It would involve more relevant stakeholders who could offer strategic advice and improve the decision-making process.
- An advisory group could be a drain on time and funds that could be better invested in the Treasure Trove Unit.
- Need for the KLTR Office to play a more prominent role in the system.
- Queries over relationship with existing role of Scottish Archaeological Finds Allocation Panel.
- Metal detecting representation is needed on the group.

Response breakdown	Group	Number of responses
Answers provided – 93 (70.9%)	Organisations	29
	Individuals	64
Blank responses – 38 (29.1%)	Organisations	8
	Individuals	30

Would an advisory group be beneficial?

Answer	Total responses	Percentage
Yes	54 (21 organisations, 33 individuals)	41.2
No	14 (1 organisation, 13 individuals)	10.7
Mixed/Unsure	25 (7 organisations, 18 individuals)	19.1
Unanswered	38 (8 organisations, 30 individuals)	29.0

Questions on leadership and communication

11b. What other practical measures could improve communication and definition of roles?

There were 66 (50.4%) completed responses to this question. Points raised included:

- Higher media profile for the Treasure Trove Unit through podcasts, broadcasts and social media to reach a wider audience.
- Provide more process guidance on the treasure trove Scotland website.
- Allow finders to track progress of cases through the system, directly or through automated emails.

Response breakdown	Group	Number of responses
Answers provided – 66 (50.4%)	Organisations	25
	Individuals	41
Blank responses – 65 (49.6%)	Organisations	12
	Individuals	53

Question on funding

12. What impact have these investments [in permanent and temporary staff in the last three years] made on the operation of the system?

There were 93 (71.0%) completed responses to this question. 41 (31.3%) of respondents agreed that the increase in staff at the Treasure Trove Unit has improved the system, compared to 20 (15.3%) that disagreed and 31 (23.6%) that were mixed/unsure. Points raised included:

- Relationships with finders and museums has improved.
- Introduction of regional responsibilities within the Treasure Trove Unit has increased communication with museums.
- Greater frequency of 'Finds Day' events has increased public awareness of the treasure trove system.
- Finds are being processed more promptly upon receipt, and enquiries are addressed more quickly.
- Processes are still taking too long with some finds being held up for years.

Response breakdown	Group	Number of responses
Answers provided – 93 (71.0%)	Organisations	32
	Individuals	61
Blank responses – 38 (29.0%)	Organisations	6
	Individuals	32

Impact of recent investment in the Treasure Trove Unit

Answer	Total responses	Percentage
Yes	41 (24 organisations, 17 individuals)	31.3
No	20 (2 organisations, 18 individuals)	15.3
Mixed/Unsure	31 (5 organisations, 26 individuals)	23.6
Unanswered	39 (6 organisations, 33 individuals)	29.8

Question on financial reserves and cost recovery measures

We are considering the feasibility of introducing a small administrative fee, or a box fee, for the allocation of assemblages excavated by professional organisations. The fees would be paid by excavators. The funds raised would be retained within the treasure trove system to help build financial reserves and fund improvements to the system.

13. Would the charging of excavation allocation fees on this basis be fair in principle?

There were 104 (79.4%) completed responses to this question. 48 (36.6%) agreed that it would be fair in principle to charge for excavation allocation fees, whereas 29 (22.2%) disagreed and 27 (20.6%) were mixed/unsure.

Although this question was primarily aimed at excavators and the wider professional sector, there was a significant level of misinterpretation of the question, including concerns that individual finders would have to pay allocation fees. Points raised included:

Yes, fair in principle

- The concept would be fair if it applied to large development companies but could be questioned if it applied to unfunded community archaeology projects.
- Excavators could incorporate fees into their charges to developers.
- Any allocation fee would have to be introduced with an extended lead time, so that projects with already set budgets and figures would not be left short.
- Any allocation fee introduced would require changes to planning regulations to be agreed.

No, not fair in principle

- If applied to all assemblages, this fee could have a negative impact on community and research-led archaeology.
- This would be an additional tax on development excavation, which is already a legal requirement on developers.

Response breakdown	Group	Number of responses
Answers provided – 104 (79.4%)	Organisations	31
	Individuals	73
Blank responses – 27 (20.6%)	Organisations	6
	Individuals	21

In principle, is the charging of an excavation allocation fee fair?

Answer	Total responses	Percentage
Yes	48 (19 organisations, 29 individuals)	36.6
No	29 (4 organisations, 25 individuals)	22.2
Mixed/Unsure	27 (8 organisations, 19 individuals)	20.6
Unanswered	27 (6 organisations, 21 individuals)	20.6

Question on financial reserves and cost recovery measures

We are considering the feasibility of introducing an element of cost recovery for extraordinary finds where, for example, pre-allocation costs could be deducted up to a reasonable limit from high value *ex gratia* awards paid to finders.

14. Would cost recovery on this basis be fair in principle?

There were 108 (82.4%) completed responses to this question. 45 (34.5%) of respondents agreed that cost recovery for chance finds was fair in principle, whereas 48 (36.6%) disagreed and 15 (11.4%) were mixed/unsure. Points raised included:

Yes, fair in principle

- Charging for cost recovery could be fair in principle but it would have to be transparent to ensure finders understood the process.

No, not fair in principle

- Charging for excavation would be seen as penalising metal detectorists for doing the right thing and reporting finds.
- Charging finders for valuable discoveries could dissuade them from reporting their finds.

Response breakdown

	Group	Number of responses
Answers provided – 108 (82.4%)	Organisations	31
	Individuals	73
Blank responses – 23 (17.6%)	Organisations	6
	Individuals	21

In principle, is the charging of an excavation allocation fee fair?

Answer	Total responses	Percentage
Yes	45 (12 organisations, 33 individuals)	34.5
No	48 (9 organisation, 39 individual)	36.6
Mixed/Unsure	15 (9 organisation, 6 individual)	11.4
Unanswered	23 (7 organisation, 16 individuals)	17.5

Question on futureproofing

15. What opportunities and risks should the treasure trove system anticipate in relation to developments over the coming decade?

There were 93 (71.0%) completed responses for this question. Points raised included:

- Improved metal detector accuracy at greater depths could increase the likelihood of damage to undisturbed archaeological context.
- The treasure trove system should anticipate significant undeclared collections emerging over generations.
- The threat of museum funding reductions and loss of curatorial posts will decrease the ability of museums to display, store and curate finds.
- Environmental issues such as coastal erosion and further urban infrastructure building will increase the likelihood of finding more archaeology than ever before.
- Treasure trove operations should be carbon neutral.
- Practices such as magnet fishing and commercial events/rallies are gaining in popularity, but their impact on the environment and archaeological record are not yet well understood.
- Delays in treasure trove processes can cause difficulties between metal detectorists and landowners which can impact on future permissions to detect.

Response breakdown	Group	Number of responses
Answers provided – 93 (71.0%)	Organisations	31
	Individuals	62
Blank responses – 38 (29.0%)	Organisations	6
	Individuals	32

Questions on the Code of Practice

16a. Are there areas of the Code of Practice that need to be changed or clarified?

There were 83 (63.4%) completed responses to this question. Points raised included:

- Create an updated, more concise and user-friendly Code of Practice that reflects current archaeological practices and new technologies.
- Need for clarification on human remains, faunal remains and ecofacts that are not associated with archaeological objects.
- Need for clear guidance on what constitutes significant finds.
- Fines for non-compliance could help ensure adherence to the guidelines.
- It would be helpful to provide explanations on how to preserve finds and who to contact locally.
- Regular reviews of the Code of Practice would ensure it remains relevant and effective.

Response breakdown	Group	Number of responses
Answers provided – 83 (63.4%)	Organisations	26
	Individuals	57
Blank responses – 48 (36.6%)	Organisations	11
	Individuals	37

16b. Are there risks to archaeology, the environment, and/or to wider public benefit delivered by the system that are not covered in the existing Code of Practice?

There were 66 (50.4%) completed responses to this question. Points raised in addition to those given in response to 16a included:

- The Code of Practice should include practical examples of how to remove, handle and care for finds.
- Modern farming practices are a risk to undiscovered archaeology. Promoting and recognising responsible metal detecting is a means of preserving heritage before it is lost.
- There is limited storage space in museums to acquire new finds and assemblages.

Response breakdown	Group	Number of responses
Answers provided – 66 (50.4%)	Organisations	21
	Individuals	45
Blank responses – 65 (49.6%)	Organisations	16
	Individuals	49

Question on other comments

17. Do you have any other comments about the treasure trove system in Scotland that you wish to bring to the attention of the Review?

There were 78 (59.5%) completed responses to this question. Points raised included:

- The treasure trove system is struggling to handle the volume of finds provided by metal detectorists.
- Underfunding and understaffing.
- Landowner interests are poorly served. Better guidance and communication are needed.
- Lack of recognition for the contribution of metal detectorists and prejudice against them.
- Aloofness and high-handedness in finders' experience of the system.
- A small licensing fee for metal detectorists could help fund the system.
- Provision of training to encourage best practice.
- Potential for greater collaboration based on shared love of Scotland's heritage.

Response breakdown	Group	Number of responses
Answers provided – 78 (59.5%)	Organisations	26
	Individuals	52
Blank responses – 53 (40.5%)	Organisations	11
	Individuals	42

King's and Lord
Treasurer's Remembrancer



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