



THE INSTITUTE OF CONSERVATION

DCMS: Revising the definition of treasure in the Treasure Act 1996 and revising the related codes of practice

Icon response

26 April 2019

The Institute of Conservation, Icon, welcomes the DCMS [consultation](#) on proposed changes to the Treasure Act 1996 and its associated Codes of Practice. We fully support the aim to ensure that important archaeological items are preserved in public collections.

Icon is a registered charity and the professional body for the conservation of our cultural heritage. Icon raises awareness of the cultural, social and economic value of caring for heritage and champions high standards of conservation. We represent nearly 3,000 individuals and organisations comprising professional conservators, heritage scientists and many others who share a commitment to improving understanding of and access to our cultural heritage.

Consultation Questions

Q1

Do you agree that introducing a time limit for an expression of interest would help to speed up the treasure process?

Icon agrees with the intention of streamlining the process and improving its efficiency. However, a tight timeframe could hinder the Treasure Act's aim to ensure the survival of treasure within public collections. 28 days may be insufficient time for small and local museums to compile a well-researched expression of interest when resources are overstretched and the required expertise is not available in house.

Q3

Do you consider that the requirement for museums to research possible value before expressing an interest would reduce the waste of resources caused to the acquiring museum and to the British Museum, National Museum Northern Ireland and National Museum Wales who administer the treasure process?

We are concerned by the proposed changes placing greater responsibility on museums, particularly when local museums continue to report a challenging operating environment and constraints on their resources. The requirement for museums to undertake research may prove challenging when a museum does not employ archaeological conservators or curators who could provide the appropriate expertise in house. While the requirement could reduce the waste of resources, it could also risk the Treasure Act's aim of ensuring the survival of treasure within public collections if museums are not supported to undertake added duties.

Q14

Do you see any disadvantages in having these definitions in the Code?

The definitions and principle of paying rewards only to non-archaeologists potentially creates a financial disincentive for metal detectorists to behave in accordance with archaeological principles. This risks undermining the positive progress that has been made in terms of encouraging good practice with regard to principles for responsible metal detecting resulting from many years of work within the archaeological and metal-detecting communities. An alternate approach to determining eligibility for rewards could centre around the idea of 'individuals engaged in organised activities'. Such a definition would allow for the exclusion of all types of archaeological projects and potentially extend to cover large, organised metal-detecting rallies.

Q16**Can you see any disadvantages to a requirement for acquiring museums to explain delays in payments?**

We welcome the concession that delays are "understandable." In an increasingly challenging funding environment, many museums will struggle to pull together payments, making delays inevitable. Often the more modest items are the most challenging to add to collections as they do not lend themselves to high-profile fundraising campaigns that capture the public's imagination or unlock big funding pots. As the aim of the Treasure Act is to ensure the survival of treasure within public collections, the expectation for detailed explanations should be mitigated as these would stretch museums' resources even further and hinder the process of acquiring treasure.

Q17**Do you think that changing to a static date is a good idea?**

No.

Defining finds as treasure should not be based on date but rather an object's significance, which is the sum of all its heritage values (e.g. evidential, historical, aesthetic and communal). Understanding an object's significance is necessary to inform decisions about its future as the degree and nature of significance determines what level and type of protection is appropriate.

A definition of treasure based on significance would align with designation policy (DCMS) and planning policy (MHCLG). The National Planning Policy Framework stipulates that heritage assets "should be conserved in a manner appropriate to their significance." A similar approach should be adopted to finds.

Q18**Do you think 1714 is an appropriate date?**

No.

The cut-off date appears arbitrary and undermines the research and evidential value of the UK's industrial heritage, which is held in high regard nationally and internationally.

Q19**What view do you have of the proposed value based definition and what impact would it have?**

Icon disagrees with the proposed monetary value-based definition.

As argued above, treasure should be defined through an object's significance. Significance cannot be reduced to age or monetary worth; the use of financial value is out of step with modern values about cultural heritage. Significance is the sum of an object's heritage values and is based on a subjective evaluation undertaken by professionals with appropriate heritage expertise.

The proposed system would stand in considerable contrast to the way that significance is assessed within the planning system.

Q20

Do you think that there is any more appropriate way to ensure that important finds which do not currently fall within the definition of treasure are retained?

Non-statutory guidance for assessing significance (as used in the planning system) would be a more effective way to deliver the Review's aim to focus the Treasure process on the most significant finds.

Q32

Do you have any additional comments on the proposed changes to the Code and to the legislation governing the treasure process?

The aim of the Treasure Act is to ensure the survival of treasure within public collections. However, many of the changes appear to be based around the need to focus the resources of the British Museum and DCMS, rather than on the need to identify objects which should be protected. If the system cannot function to meet its objectives due to a scarcity of resources, a longer-term process for reform may be required.

Links to further information:

Icon website <https://icon.org.uk/>