



TREASURE BILL 2016

EXPLANATORY NOTES

These Notes have been produced for the assistance of Members with the approval of the Member in charge of the Bill, the Hon William Edward Teare MHK

INTRODUCTION

These explanatory notes relate to the Treasure Bill 2016 ("the Bill"). They have been prepared by the Treasury and the Manx Museum and National Trust ("the Trust") in order to assist readers of the Bill. They do not form part of the Bill and have not been endorsed by the House of Keys.

The Notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill.

BACKGROUND

If passed, the Bill will replace the existing Treasure Trove Act 1586 which is the current legislation governing finds of historic significance.

The Bill has been the subject of public consultation which elicited some detailed and technical responses.

In the opinion of the Member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.

FINANCIAL IMPLICATIONS

There are no direct cost implications of the proposed Bill to the Government.

SUMMARY AND STRUCTURE OF THE BILL

The Bill consists of 20 clauses.

CLAUSE 1

This clause gives the Bill its short title.

CLAUSE 2

This clause gives details of when the Act will come into operation.

CLAUSE 3

This clause sets out the interpretation of the terms used in the Bill. It also defines when one object is part of the same find as another object and how the age of an object may be presumed. In the case of historical objects, age is usually determined by type and comparison, as well as by composition and deposition circumstance, in the usual absence of a definite date of manufacture/use being known.

CLAUSE 4

This clause defines what is meant by "treasure". A time limit has been introduced to focus the legislation on ancient and historic objects and to lessen the possibility of an object having a known owner. Categories have been widened to include groups of coins and objects made from base metals as well as gold or silver and any objects that are associated with those. The need to demonstrate the intention of the original owner to return to the object(s) is no longer required. This clause also allows for an object to be designated treasure should something outstanding and not covered by the other categories be discovered. The clause allows for Treasury by Order (to be approved by Tynwald) to designate other objects of historical, archaeological or cultural importance as treasure. Treasure does not include unworked natural objects, minerals extracted from a natural deposit wreck or other objects which may be excluded by the Treasury by order (subject to Tynwald approval).

CLAUSE 5

This clause allows for amendments to the meaning of treasure, subject to consultation and Tynwald approval.

CLAUSES 6 & 7

Clause 6 deals with the circumstances in which treasure vests in the Treasury in trust for the Crown and clause 7 enables the Treasury to transfer, dispose of or disclaim such treasure.

CLAUSE 8

This clause requires any person who finds or acquires an object which they believe (or has reasonable grounds for believing) is treasure, to notify the Trust within 14 days. A person who fails to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 and/or imprisonment for not more than 12 months.

CLAUSE 9

This clause requires that anyone notifying the Trust of a find must, if the Trust requires, deliver the object, or arrange for its delivery, to the Trust. The Trust must provide a receipt for, and an image of, the object. The Trust must notify the Treasury and the coroner.

CLAUSES 10 & 11

These clauses set out the circumstances when the coroner must hold an inquiry to determine whether an object is treasure and who may be involved. An inquiry is to be held without a jury unless the coroner so directs. Clause 11 sets out the procedural notification requirements in connection with an inquiry and defines who may be regarded as "interested parties" in the procedure.

CLAUSE 12

This requires the Treasury to ask the Trust whether it wishes to acquire any items of treasure to which it has title. Where the Trust does not wish to acquire the treasure, other museums may be approached and may acquire the treasure in accordance with directions to be given by the Treasury.

CLAUSE 13

This clause applies to objects disclaimed by the Treasury and/or which, for a number of reasons, are not believed or determined to be treasure and requires the Trust to inform certain persons that the object is to be released to the person who made the notification, unless a written objection is received within 28 days. If there is a written objection, the Trust will retain the object until any dispute has been resolved. The clause details those persons who may be informed.

CLAUSE 14 & 15

These clauses set out procedures for monies to be paid as a reward to those involved in the discovery, recovery and reporting of finds. It details how the level of any reward should be determined and who may be eligible for a reward. It allows for abatement of all, or part of, a reward and enables Treasury to decide on rewards paid by off-Island museums.

CLAUSE 16

This clause provides that the Treasury must prepare a code of practice relating to treasure, keep that code under review and revise it when appropriate. Before making the code or revising it, the Treasury must consult interested persons. The code or any revision to it must be laid before Tynwald and the Treasury must publish the code in an appropriate manner. The code of practice will contain more detail on the categories of objects, procedures to be followed, how rewards should be assessed and possible reasons for abatement of rewards. It will also give guidance on the care of objects discovered and give contact information for advice and assistance.

CLAUSE 17

This clause contains transitional arrangements. Nothing in the resulting Act is to affect any object found before it comes into operation. Any such object will be treated in accordance with the law previously in operation.

CLAUSE 18

This clause amends the Manx Museum and National Trust Act 1959, specifically the definition of "archaeological object" in section 2(1) of that Act (interpretation). Section 20 (reports of finding of archaeological objects) is amended so as to tidy up that provision and

remove references to the option of reporting the finding of an archaeological object to a member of the police. The penalty is also amended so as to accord with the level of the penalty in clause 8(3) of the Bill.

CLAUSES 19 & 20

Clause 19 repeals the Treasure Trove Act 1586 and clause 20 repeals section 18 of the Coroners of Inquests Act 1987.