

DRAFT

Minutes of the meeting of

THE SCOTTISH ARCHAEOLOGICAL FINDS ALLOCATION PANEL

1.00pm Monday 21 March 2011
Crown Office, Chambers Street, Edinburgh

Present: Professor Ian Ralston (Chair), Ms Jane Robinson (MGS Panel appointee), Dr Alison Sheridan (NMS Panel appointee), Mr Neil Curtis (Marischal Museum), Mr David Connolly (BAJR) (Present for items 1-9). Mr John Urquhart in attendance throughout.

Mr Stuart Campbell (TTU), Ms Angela Short (TTU) in attendance, Mr Campbell took the minutes. Andrew Brown (QLTR Solicitor) present from item 5 onwards.

Chairman's remarks

IR welcomed John Urquhart to the meeting. Mr Urquhart had recently been appointed as the new lay member of SAFAP. As his appointment did not take effect until the 1st April his attendance at this meeting was as an observer.

Approval of the minutes of the 2010 TT AGM pending on corrections; IR and JR to liaise on this.

Scottish Law Commission (SLC) Discussion Paper on Prescription and Title to Moveable Property

The panel felt it appropriate to respond to the SLC document by providing a clear statement of those areas where SAFAP has oversight. It was felt that the SLC document could cause unintended consequences if the current practices regarding TT were not taken into account when proposing legislation. SAFAP concerns could be itemised as follows

- The legal status of TT material within Scotland.
- The legal status attached to Scottish Treasure Trove material or portable antiquities when taken outside Scotland.
- The issues surrounding the potential of antiquities coming into Scotland as a 'back door' to circumvent the Dealing in Cultural Objects (Offences) Act 2003 which does not apply in Scotland.
- While the question of introducing new legislation to cover Treasure Trove has been raised in the recent past in the short term SAFAP would consider it preferable to clarify the common law regarding *bona vacantia*.

- The Panel also observed the difficulties and undesirability of imposing a statute of limitation regarding the rights of the Crown to bona vacantia.
- The definition of Treasure Trove within the SLC paper is too prescriptive (for example, the definition of over 100 years old). A more helpful definition would be 'portable antiquities of types akin to...'; a list of representative artefacts is include in Appendix B of the TT Code of Practice.
- It would be desirable to seek clarification of ownership regarding the transfer of title between Crown and receiving museum when an artefact is handed over by the Treasure Trove Unit.
- It would be equally desirable to seek clarification of ownership when an object is disclaimed/unclaimed and returned to finder at the end of the treasure trove process.

Discussed further under QLTR Business

The TT Annual Report was released on 16th February and achieved a favourable level of press attention. IR commented that it was unfortunate that some press coverage concentrated upon –and misinterpreted- the remarks in the chair's report regarding the under-reporting of objects.

2. Minutes of meeting on 22 November 2011

Accepted with one correction; 'complementing' should be 'complimenting' on p. 4.

3. Deferred cases.

43/10 Medieval excavation assemblage, Ballumbie, Angus. Allocated to Angus Museums.

This case was deferred from the last SAFAP meeting as it transpired that the human remains which comprised an integral part of the assemblage had not been included in the submission but were being studied at Edinburgh University. SAFAP felt it inappropriate to split the assemblage in this way. Subsequent enquiry had established that the human remains had been fully integrated into the teaching collections and to reintegrate them to the assemblage would be too onerous. As things stood the panel felt it most appropriate to allocate the artefactual material, although it would not consider this a precedent for any future cases.

4. New cases

CO.TT. no	Object(s)	Reward	Museum
59/10	Neolithic/Bronze Age and medieval (13 th -15 th century) excavation assemblage, Fetterangus Cemetery, Aberdeenshire	n/a	Aberdeen-shire

60/10	Medieval excavation assemblage, 215 – 225 High Street, Elgin, Moray	n/a	Aberdeen Univ Mus.*
61/10	Neolithic/19 th – 20 th century excavation assemblage, Middle Inens, Tighnabruaich, Argyll & Bute	n/a	Argyll & Bute
62/10	Post-medieval excavation assemblage, Commercial Street, Leith, Edinburgh	n/a	Edinburgh
63/10	Prehistoric excavation assemblage, Larkhall Academy, South Lanarkshire	n/a	Biggar

This decision was provisional subject to the bidder giving specifics as to which institution the bid was made on behalf of.

64/10	Neolithic watching brief assemblage, Millfarm Quarry, Kemnay, Aberdeenshire	n/a	Aberdeen Univ Mus
65/10	Post-medieval excavation assemblage, Tannery Site, Jeffrey Street, Edinburgh	n/a	Edinburgh
66/10	17 th century – modern excavation assemblage, Pathhead Primary School, Midlothian	n/a	Disclaimed
67/10	Medieval and post-medieval excavation assemblage, Lodge Grounds, North Berwick, East Lothian	n/a	E. Lothian
68/10	18 th – 20 th century excavation assemblage, Mainshill Steading, Morham, East Lothian	n/a	E. Lothian
69/10	Iron Age – Early Historic (?) excavation assemblage, Blackpotts Settlement, St Abbs, Coldingham, Scottish Borders	n/a	Disclaimed
70/10	Prehistoric excavation assemblage, Bruxiehill, St Fergus, Aberdeenshire	n/a	Aberdeen Univ Mus
71/10	Medieval – 19 th century excavation assemblage, Swanston Farm Golf Course, Edinburgh	n/a	Edinburgh
72/10	Bronze Age excavation assemblage, Slacknamarnock Quarry, Inverness, Highland	n/a	Inverness

73/10	17 th – 19 th century excavation assemblage, St Andrews Square, Edinburgh	n/a	Disclaimed
74/10	19 th century excavation assemblage, 35 St Andrew Square, Edinburgh	n/a	Edinburgh
75/10	Medieval and post-medieval excavation assemblage, Pitsligo Castle Garden, Rosehearty, Aberdeenshire	n/a	Marischal*
76/10	Medieval and post-medieval excavation assemblage, Bishop's Close, Brechin, Angus	n/a	Brechin
77/10	Medieval and post-medieval evaluation assemblage, Darnley Street, Stirling	n/a	Stirling
78/10	Medieval and post-medieval excavation assemblage, Tolbooth, Broad Street, Stirling	n/a	Stirling
79/10	Medieval assemblage, 50 – 52 Argyle Street, St Andrews, Fife	n/a	NMS*
80/10	Medieval excavation assemblage, 106 – 110 South Street, St Andrews, Fife	n/a	NMS*
81/10	Late Bronze Age; medieval excavation assemblage, Lochlands Estate, Larbert, Falkirk	n/a	Falkirk
82/10	43 medieval and later objects, Doune, Stirling	£275	Stirling
83/10	'Highland' 16 th – 17 th century brooch, Culloden, Highland	£75	Inverness
84/10	Fragment of Viking penannular bracelet, Dornoch, Highland	£125	History -links
85/10	5 Roman and later finds, Bertha Roman Fort, Perth & Kinross	n/a	Perth
86/10	Post-medieval gold finger ring, Milnathort, Perth and Kinross	£500	Perth
87/10	5 Roman coins and 1 Samian sherd,	£75	Dumfries

Kirkton, Dumfries and Galloway

88/10	Roman coin, Gallaberry, Dumfries and Galloway	£25	Dumfries
89/10	Bronze Age pot sherd, Tentsmuir, Fife	£10	St Andrews
90/10	Iron Age stone bowl, nr Loanhead of Daviot, Inverurie, Aberdeenshire	£150	Aberdeen Univ Mus

Neil Curtis left the room while the ex gratia payment for this find was determined

91/10	20 medieval and later objects, Roberton, Scottish Borders	£460	NMS*
92/10	Early Historic Pin, Belladrum, Highland	£20	Inverness
93/10	17 th century silver mount, Smeaton Farm, Dalkeith, Midlothian	£60	NMS*

Alison Sheridan left the room while the ex gratia payment for this find was determined

94/10	Zoomorphic belt buckle, Denholm, Scottish Borders	£45	NMS*
-------	---	-----	------

Alison Sheridan left the room while the ex gratia payment for this find was determined

95/10	Medieval swivel ring/hunting leash collar, Newton Stewart, Dumfries and Galloway	£360	Stranraer
96/10	Medieval silver finger ring, Fettercairn, Aberdeenshire	£425	AH
97/10	Roman brooch, Carriden, Bo'ness, Falkirk	£10	Falkirk
98/10	Medieval silver brooch, Cullen, Moray	n/a	Aberdeen Univ Mus*
99/10	Papal bulla, Culross, Fife	£275	St Andrews
100/10	Medieval ampulla, Cullen, Moray	£125	Aberdeen* Univ Mus

Neil Curtis left the room while the ex gratia payment for this find was determined

101/10	16 th – 17 th century gold button, Braco, Perth and Kinross	£460	Perth
102/10	Late Bronze Age spearhead, Mochrum, Dumfries and Galloway	£95	Stranraer
103/10	11 Roman coins, Kirktonbarns, Tayport, Fife	£220	St Andrews
104/10	Medieval belt buckle, Kirktonbarns, Tayport, Fife	£50	St Andrews
105/10	Middle Bronze Age flanged axehead, Cambus, Clackmannanshire	£375	NMS*

Alison Sheridan left the room while the ex gratia payment for this find was determined

106/10	Neolithic stone axehead, Auldearn, Nairn, Highland	£100	Nairn
107/10	Late Bronze Age socketed axehead, Whitmuir, Scottish Borders	£305	Selkirk

*These cases were accepted by the relevant institutions in the absence of bids from local museums.

5. QLTR business

Scottish Law Commission (SLC) Discussion Paper on Prescription and Title to Moveable Property

It was agreed the concerns SAFAP had surrounding this issue would be included in the QLTR's response to the Scottish Law Commission. It would be made clear that these were the panel's views, distinct from those of the QLTR.

It was suggested that discussion of Stuart Campbell's paper on the problem of excavation assemblages should be deferred until the next meeting. SC was asked to re-circulate the paper.

The TTU was asked to use its records of disclaimed finds and public enquiries to provide a clearer picture of the pattern of finds reporting across Scotland.

The possibility of reducing the amount of paperwork for each meeting was discussed. It was considered desirable that each museum have a 'standing bid' lodged with the TTU which could be supplemented with case-specific information rather than submitting an entire new application for each new TT case.

The panel also discussed the feasibility of using the online OASIS system to provide information to museums about assemblages which had been claimed as TT.

Action Points

- IR to liaise with JR over points in TT AGM minutes
- SC to re-circulate paper on excavation assemblages
- SC to produce statistics on finds reporting across Scotland