

QLTR Queen's & Lord Treasurer's Remembrancer

Scottish Government Building, 1B-Bridge, Victoria Quay, Edinburgh, EH6 6QQ

Telephone: 0844 5613803*
*calls cost 7p per minute plus your
phone company's access charge
Email – coqltr@copfs.gsi.gov.uk

<http://www.qltr.gov.uk>

Our ref: GE/15/15

Date: 17/03/2016

Dear

FREEDOM OF INFORMATION REQUEST (1) TWO CARVED STONE BALLS (2) TWO ROMANO-CELTIC AND CELTIC HEADS

Thank you for your request dated 24 February 2016 under the Freedom of Information (Scotland) Act 2002 (FOISA). Your request is in the following terms:

"When I was last in London I learned that Finch & Co had recently sold two carved stone balls, one of which had been granted an export licence. Since I remember, as Keeper of Archaeology in National Museums Scotland, strenuous and successful efforts being made to halt the sale of a comparable ball in New York, I am concerned at the latest events.

I would, therefore, wish to see all the correspondence and emails concerning these balls and notes and minutes of all meetings at which these balls were discussed together with any other relevant papers. I would further like to see the correspondence and emails concerning these balls and notes and minutes of all meetings at which these balls were discussed with Finch & Co together with any other relevant papers. And I would wish to see the correspondence and emails concerning these balls and notes and minutes of all meetings at which these balls were discussed with the Reviewing Committee on the export of works of art together with any other relevant papers.

Finally, on a related but pertinent matter, I note that Finch & Co are offering for sale two purportedly Romano-Celtic and Celtic heads with Scottish provenances. I would, therefore, wish to see the correspondence and emails concerning these heads and notes and minutes of all meetings at which these heads were discussed with Finch & Co together with any other relevant papers. I would further wish to see the correspondence and emails and notes and minutes of all meetings at which these

heads were discussed by you or your associates together with any other relevant papers.

For the purposes of these requests I include the Treasure Trove Unit as well as members of your office."

Your request is directed to both the Queen's and Lord Treasurer's Remembrancer (QLTR) and the Treasure Trove Unit (TTU) and I am responding in relation to both the QLTR and the TTU as the TTU supports the QLTR in relation to the operation of the Treasure Trove system.

As you may be aware, the Court of Session judgment – Glasgow City Council and Dundee City Council v Scottish Information Commissioner [2009] CSIH 73 (issued on 30 September 2009) – clarified that FOISA gives a right to information, not documents, and that information requests must identify the information sought.

It appears to me from your email request that the information you seek is around why QLTR and TTU did not claim the items you refer to.

If that is not the position please do not hesitate to reform your enquiry, however in the meantime I am able to provide the following information which I hope you will find helpful:

(1) two carved stone balls

With regard to the stone balls you refer to I can advise that the QLTR and TTU were made aware of one of these balls when the object had come in front of the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest. As we have been alerted to a second ball the TTU have approached the auction house to investigate that.

As to the ball which came to our notice when in front of the Reviewing Committee, the TTU established that the ball came from an antiquarian collection (that included material that had previously been brought to the attention of the then National Museum of Antiquities of Scotland) and that, as with many such finds, the ball had no findspot information, and thus the cultural and interpretive value was greatly diminished. After discussing the case with NMS colleagues TTU's advice to the QLTR was that, although such balls are described in the sale information as "rare", the number known (and the TTU was advised that there around 400 examples) and the lack of findspot information meant that it was not deemed appropriate to seek to vindicate any Crown rights to the material. The TTU also advised the QLTR that the purchase price at auction for the object in this case was £25,000 and it was recognised this would be the best evidence of market value of the object which would likely make it unattractive to museum's even if it was unreported treasure trove which was claimed.

(2) two Romano-Celtic and Celtic heads

As regards the two Romano-Celtic and Celtic Heads to which you refer I can advise that neither the QLTR nor the TTU hold any information relating to these objects.

Thank you however for alerting the QLTR and the TTU to these objects and the TTU has raised the matter with the auction house.

If you are dissatisfied with the way in which your request has been handled, you do have the right to ask us to review it. Your request should be made within 40 working days of receipt of this letter and we will reply within 20 working days of receipt. If you require a review of our decision to be carried out, please write to The QLTR, Scottish Government Building, Victoria Quay, 1B-Bridge, Edinburgh, EH6 6QQ, or for requests sent by e-mail to coqltr@copfs.gsi.gov.uk.

The review will be undertaken by staff not involved in the original decision making process.

If our decision is unchanged following a review and you remain dissatisfied with this, there is a right of appeal to the Scottish Information Commissioner under section 47(1) of FOISA.

Should you subsequently wish to appeal against the Commissioner's decision on such an appeal, there is a right of appeal to the Court of Session on a point of law only.