



Queen's & Lord Treasurer's Remembrancer

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<http://www.copfs.gov.uk/About/roles/qltr/qltr-overview>

Your ref:

Our ref: GE/4/11

Date: 03/05/2011

Dear

**FREEDOM OF INFORMATION REQUEST
TREASURE TROVE SYSTEM AND THE CIVIC GOVERNMENT (SCOTLAND) ACT
1982**

Thank you for your e-mail of 25 April to the Treasure Trove Unit. I am responding because the Treasure Trove Unit are supporting the Queen's and Lord Treasurer's Remembrancer in relation to the operation of the Treasure Trove system.

In your e-mail you ask, under the Freedom of Information (Scotland) Act 2002, for information to ascertain on what basis finds are to be reported to the Treasure Trove Unit rather than the police under the Civic Government (Scotland) Act 1982. In particular you asked what legal advice the Unit have had on the above, what was that advice and you requested minutes or correspondence regarding the compatibility of procedures with the 1982 Act.

Having considered the request I respond to advise that neither the Unit nor the QLTR hold the information you have requested. The Unit have not had legal advice on the above and no minutes or correspondence are held regarding the treasure trove procedures against the 1982 Act.

Whilst I consider the above to deal with the Freedom of Information request, it may be helpful to add the following regarding the questions you raise by way of clarification. In particular your concern seems to be that there is a conflict between reporting treasure trove to the Treasure Trove Unit and the terms of the 1982 Act. We do not consider that any difficulty arises. In particular, there is an express saving for the Crown's rights at section 78(3) of the 1982 Act which provides:

"(3) Subject to subsection (2), nothing in this Part of this Act affects the Crown's right of ownership in lost or abandoned property."

The QLTR is the Crown's representative in relation to the *bona vacantia* (i.e. ownerless goods) in Scotland. She is supported in the operation of the system in relation to treasure trove, by the Treasure Trove Unit. The statute itself expressly acknowledges (at section 78(3)) the Crown's rights of ownership to among others, treasure trove. By reporting the find of treasure trove to the Treasure Trove Unit, it seems to the QLTR that the finder of treasure trove will be complying with their duty under section 67(1), as read with subsection (3). In particular, by reporting the find of treasure trove to the Treasure Trove Unit the find of the object would have then been reported to the owner of the property, in that case the Crown.

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 foi@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.