Draft Order laid before Parliament under section 2(4) of the Treasure Act 1996, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2023 No.

TREASURE

The Treasure (Designation) (Amendment) Order 2023

Made - - - -	***
Coming into force - -	***

The Secretary of State, in exercise of the powers conferred by section 2(1) and (2) of the Treasure Act 1996(**a**), makes the following Order.

In accordance with section 2(4) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Treasure (Designation) (Amendment) Order 2023 and comes into force 4 months after the day on which it is made.

(2) This Order extends to England and Wales, and Northern Ireland.

(3) The amendments made by this Order do not apply in relation to objects found before this Order comes into force.

Amendments to the Treasure (Designation) Order 2002

2.—(1) The Treasure (Designation) Order 2002(**b**) is amended as follows.

(2) Before the heading to article 1 (citation, commencement and application) insert—

"Part 1

Introductory provisions".

(3) After article 2 (interpretation) insert—

(**a**) 1996 c. 24.
(**b**) S.I. 2002/2666.

"Part 2

Designation of classes of objects of outstanding historical, archaeological or cultural importance".

(4) Omit the heading to article 3 (designation of classes of objects of outstanding historical, archaeological or cultural importance), and in that article—

(a) the existing text becomes paragraph (1);

(b) after sub-paragraph (b) insert—

"(c) any object, any part of which is metal, which satisfies paragraph (2).."; and

(c) after paragraph (1) insert—

"(2) An object satisfies this paragraph if—

(a) it provides an exceptional insight into an aspect of national or regional history, archaeology or culture by virtue of one or more of the following—

(i) its rarity as an example of its type found in the United Kingdom,

(ii) the location, region or part of the United Kingdom in which it was found, or

(iii) its connection with a particular person or event; or

(b) although it does not, on its own, provide such an insight, it is, when found, part of the same find as one or more other objects, and provides such an insight when taken together with those objects.".

(5) After article 3 insert—

"Part 3

Designation of classes of objects which are excluded from the definition of treasure

4.—(1) The following classes of objects, to the extent that they would be treasure apart from this Order, are designated pursuant to section 2(2) of the Act—

(a) any object which is subject to the faculty jurisdiction of the Church of England and found in or on land which is—

(i) also subject to the faculty jurisdiction of the Church of England, and

(ii) held or controlled by an ecclesiastical corporation, Parochial Church Council or Diocesan Board of Finance;

(b) any object found in or under a cathedral church or within its precinct.

(2) In this article—

"cathedral church" and "precinct" have the meanings given in section 32 of the Care of Cathedrals Measure 2011(**a**);

"Diocesan Board of Finance" and "Parochial Church Council" have the meanings given in section 3 of the Interpretation Measure 1925(**b**);

"ecclesiastical corporation" means any corporation in the Church of England, whether sole or aggregate, which is established for spiritual purposes.".

Name
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

Date

(**a**) 2011 No. 1. There are amendments to section 32 not relevant to this Order.
(**b**) 1925 No. 1 (15 & 16 Geo 5 No. 1).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Treasure (Designation) Order 2002 (S.I. 2002/2666) to include an additional class of objects within the definition of treasure in section 1(1) of the Treasure Act 1996 (c. 24), and to exclude two classes of objects from that definition.

Article 2(4) designates, for the purposes of section 1(1)(b) of the Treasure Act 1996, an additional class of objects which the Secretary of State considers to be of outstanding historical, archaeological or cultural importance. An object which belongs to that class will fall within the definition of treasure if it is at least 200 years old when found.

Article 2(5) designates two classes of objects for the purposes of section 1(2) of the Treasure Act 1996, so as to exclude objects belonging to those classes from the definition of treasure.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.

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