



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 1

#### CORONERS ETC

PROSPECTIVE

#### CHAPTER 4

##### INVESTIGATIONS CONCERNING TREASURE

#### **25 Coroner for Treasure and Assistant Coroners for Treasure**

Schedule 4 makes provision about the appointment etc of the Coroner for Treasure and Assistant Coroners for Treasure.

#### **26 Investigations concerning treasure**

- (1) The Coroner for Treasure must conduct an investigation concerning an object in respect of which notification is given under section 8(1) of the Treasure Act 1996 (c. 24).
- (2) The Coroner for Treasure may conduct an investigation concerning an object in respect of which notification has not been given under that section if he or she has reason to suspect that the object is treasure.
- (3) The Coroner for Treasure may conduct an investigation concerning an object if he or she has reason to suspect that the object is treasure trove.
- (4) Subsections (1) to (3) are subject to section 29.
- (5) The purpose of an investigation under this section is to ascertain—
  - (a) whether or not the object in question is treasure or treasure trove;

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(b) if it is treasure or treasure trove, who found it, where it was found and when it was found.

(6) Senior coroners, area coroners and assistant coroners have no functions in relation to objects that are or may be treasure or treasure trove.

This is subject to paragraph 11 of Schedule 4 (which enables an assistant coroner acting as an Assistant Coroner for Treasure to perform functions of the Coroner for Treasure).

## **27 Inquests concerning treasure**

(1) The Coroner for Treasure may, as part of an investigation under section 26, hold an inquest concerning the object in question (a “treasure inquest”).

(2) A treasure inquest must be held without a jury, unless the Coroner for Treasure thinks there is sufficient reason for it to be held with a jury.

(3) In relation to a treasure inquest held with a jury, sections 8 and 9 apply with the following modifications—

- (a) a reference to a senior coroner is to be read as a reference to the Coroner for Treasure;
- (b) the reference in section 8(3) to the death of the deceased is to be read as a reference to the matters mentioned in section 26(5).

## **28 Outcome of investigations concerning treasure**

Where the Coroner for Treasure has conducted an investigation under section 26, a determination as to the question mentioned in subsection (5)(a) of that section, and (where applicable) the questions mentioned in subsection (5)(b) of that section, must be made—

- (a) by the Coroner for Treasure after considering the evidence (where an inquest is not held),
- (b) by the Coroner for Treasure after hearing the evidence (where an inquest is held without a jury), or
- (c) by the jury after hearing the evidence (where an inquest is held with a jury).

## **29 Exception to duty to investigate**

(1) Where the Coroner for Treasure is conducting, or proposes to conduct, an investigation under section 26 concerning—

- (a) an object that would vest in the Crown under the Treasure Act 1996 (c. 24) if the object was in fact treasure and there were no prior interests or rights, or
- (b) an object that would belong to the Crown under the law relating to treasure trove if the object was in fact treasure trove,

the Secretary of State may give notice to the Coroner for Treasure disclaiming, on behalf of the Crown, any title that the Crown may have to the object.

(2) Where the Coroner for Treasure is conducting, or proposes to conduct, an investigation under section 26 concerning—

- (a) an object that would vest in the franchisee under the Treasure Act 1996 if the object was in fact treasure and there were no prior interests or rights, or

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- (b) an object that would belong to the franchisee under the law relating to treasure trove if the object was in fact treasure trove,  
the franchisee may give notice to the Coroner for Treasure disclaiming any title that the franchisee may have to the object.
- (3) A notice under subsection (1) or (2) may be given only before the making of a determination under section 28.
- (4) Where a notice is given under subsection (1) or (2)—
- (a) the object is to be treated as not vesting in or belonging to the Crown, or (as the case may be) the franchisee, under the Treasure Act 1996, or the law relating to treasure trove;
  - (b) the Coroner for Treasure may not conduct an investigation concerning the object under section 26 or, if an investigation has already begun, may not continue with it;
  - (c) without prejudice to the interests or rights of others, the object may be delivered to a person in accordance with a code of practice published under section 11 of the Treasure Act 1996.
- (5) For the purposes of this section the franchisee, in relation to an object, is the person who—
- (a) was, immediately before the commencement of section 4 of the Treasure Act 1996, or
  - (b) apart from that Act, as successor in title, would have been,
- the franchisee of the Crown in right of treasure trove for the place where the object was found.

### **30 Duty to notify Coroner for Treasure etc of acquisition of certain objects**

- (1) After section 8 of the Treasure Act 1996 (c. 24) there is inserted—

#### **“8A Duty to notify coroner of acquisition of certain objects**

- (1) A person who—
- (a) acquires property in an object, and
  - (b) believes or has reasonable grounds for believing—
    - (i) that the object is treasure, and
    - (ii) that notification in respect of the object has not been given under section 8(1) or this subsection,must notify the Coroner for Treasure before the end of the notice period.
- (2) The notice period is fourteen days beginning with—
- (a) the day after the person acquires property in the object; or
  - (b) if later, the day on which the person first believes or has reason to believe—
    - (i) that the object is treasure; and
    - (ii) that notification in respect of the object has not been given under section 8(1) or subsection (1) of this section.
- (3) Any person who fails to comply with subsection (1) is guilty of an offence if—

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- (a) notification in respect of the object has not been given under section 8(1) or subsection (1) of this section; and
  - (b) there has been no investigation in relation to the object.
- (4) Any person guilty of an offence under this section is liable on summary conviction to—
- (a) imprisonment for a term not exceeding 51 weeks;
  - (b) a fine of an amount not exceeding level 5 on the standard scale; or
  - (c) both.
- (5) In proceedings for an offence under this section, it is a defence for the defendant to show that he had, and has continued to have, a reasonable excuse for failing to notify the Coroner for Treasure.
- (6) If the office of Coroner for Treasure is vacant, notification under subsection (1) must be given to an Assistant Coroner for Treasure.
- (7) In determining for the purposes of this section whether a person has acquired property in an object, section 4 is to be disregarded.
- (8) For the purposes of an investigation in relation to an object in respect of which notification has been given under subsection (1), the object is to be presumed, in the absence of evidence to the contrary, to have been found in England and Wales after the commencement of section 4.
- (9) This section has effect subject to section 8B.
- (10) In this section “investigation” means an investigation under section 26 of the Coroners and Justice Act 2009.
- (11) In its application to Northern Ireland this section has effect as if—
- (a) in subsection (1), for “Coroner for Treasure” there were substituted “coroner for the district in which the object is located”;
  - (b) in subsection (3)(b), for “investigation” there were substituted “inquest”;
  - (c) in subsection (4)(a), for “51 weeks” there were substituted “three months”;
  - (d) in subsection (5), for “Coroner for Treasure” there were substituted “coroner”;
  - (e) in subsection (6), for the words from “Coroner for Treasure” to “Assistant Coroner for Treasure” there were substituted “coroner for a district is vacant, the person acting as coroner for that district is the coroner for the purposes of subsection (1)”;
  - (f) in subsection (8), for “investigation” there were substituted “inquest” and for “England and Wales” there were substituted “Northern Ireland”;
  - (g) in subsection (10), for ““investigation” means an investigation under section 26 of the Coroners and Justice Act 2009” there were substituted ““inquest” means an inquest held under section 7”.
- (2) In section 10 of that Act (rewards), in subsection (5) (persons to whom reward may be paid), at the end insert—
- “(d) any person who gave notice under section 8A in respect of the treasure.”

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- (3) In relation to an offence under section 8A of that Act (inserted by subsection (1) above) committed before the commencement of section 280(2) of the Criminal Justice Act 2003 (c. 44), a reference in the inserted section to 51 weeks is to be read as a reference to three months.

### **31 Code of practice under the Treasure Act 1996**

- (1) A code of practice under section 11 of the Treasure Act 1996 (c. 24) may make provision to do with objects in respect of which notice is given under section 29(1) or (2).
- (2) No civil liability on the part of the Coroner for Treasure arises where he or she delivers an object, or takes any other action, in accordance with a code of practice under section 11 of the Treasure Act 1996.

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