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Changes to legislation: Treasure Act 1996, Cross Heading: Coroners' jurisdiction is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Treasure Act 1996

1996 CHAPTER 24

Coroners' jurisdiction

7 Jurisdiction of coroners.

- (1) The jurisdiction of coroners which is referred to in section 30 of the ^{M1}Coroners Act 1988 (treasure) is exercisable in relation to anything which is treasure for the purposes of this Act.
- (2) That jurisdiction is not exercisable for the purposes of the law relating to treasure trove in relation to anything found after the commencement of section 4.
- (3) The Act of 1988 and anything saved by virtue of section 36(5) of that Act (saving for existing law and practice etc.) has effect subject to this section.
- (4) An inquest held by virtue of this section is to be held without a jury, unless the coroner orders otherwise.

Marginal Citations

M1 1988 c. 13.

8 Duty of finder to notify coroner.

- (1) A person who finds an object which he believes or has reasonable grounds for believing is treasure must notify the coroner for the district in which the object was found before the end of the notice period.
- (2) The notice period is fourteen days beginning with—
 - (a) the day after the find; or
 - (b) if later, the day on which the finder first believes or has reason to believe the object is treasure.
- (3) Any person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to—

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- (a) imprisonment for a term not exceeding three months;
 - (b) a fine of an amount not exceeding level 5 on the standard scale; or
 - (c) both.
- (4) 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.
- (5) If the office of coroner for a district is vacant, the person acting as coroner for that district is the coroner for the purposes of subsection (1).

PROSPECTIVE

[F18A 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—
- (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.

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- (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.]

Textual Amendments

F1 S. 8A inserted (prosp.) by Coroners and Justice Act 2009 (c. 25), ss. 30(1), 182(4) (with ss. 30(3), 180)

PROSPECTIVE

[^{F2}8B Notice under section 8 or 8A to designated officer

- (1) A requirement under section 8 or 8A to give a notification to the Coroner for Treasure (or an Assistant Coroner for Treasure) may, if the relevant place falls within an area for which there is a designated officer, be complied with by giving the notification to that officer.
- (2) A designated officer must notify the Coroner for Treasure of all notifications given under subsection (1).
- (3) If the office of Coroner for Treasure is vacant, notification under subsection (2) must be given to an Assistant Coroner for Treasure.
- (4) In this section—
- “designated officer” means an officer designated by an order made by statutory instrument by the Secretary of State;
 - “the relevant place” means—

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- (a) in relation to a requirement under section 8, the place where the object in question was found;
 - (b) in relation to a requirement under section 8A, the place where the treasure in question is located.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In its application to Northern Ireland this section has effect as if—
- (a) in subsection (1), for “the Coroner for Treasure (or an Assistant Coroner for Treasure)” there were substituted a coroner;
 - (b) in subsection (2), for “Coroner for Treasure” there were substituted coroner for the district in which the relevant place falls;
 - (c) in subsection (3), 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 (2).

Textual Amendments

- F2** Ss. 8B, 8C inserted (prosp.) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(4), [Sch. 21 para. 40](#) (with s. 180)

PROSPECTIVE

8C Offences under section 8 or 8A: period for bringing proceedings

- (1) Proceedings for an offence under section 8 or 8A may be brought within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge; but no such proceedings may be brought by virtue of this subsection more than three years after the commission of the offence.
- (2) For the purposes of subsection (1)—
- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the evidence referred to in that subsection came to the prosecutor's knowledge shall be conclusive evidence to that effect; and
 - (b) a certificate to that effect and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.]

Textual Amendments

- F2** Ss. 8B, 8C inserted (prosp.) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(4), [Sch. 21 para. 40](#) (with s. 180)

9 Procedure for inquests.

- (1) In this section, “inquest” means an inquest held under section 7.

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- (2) A coroner proposing to conduct an inquest must notify—
 - (a) the British Museum, if his district is in England; or
 - (b) the National Museum of Wales, if it is in Wales.
- (3) Before conducting the inquest, the coroner must take reasonable steps to notify—
 - (a) any person who it appears to him may have found the treasure; and
 - (b) any person who, at the time the treasure was found, occupied land which it appears to him may be where it was found.
- (4) During the inquest the coroner must take reasonable steps to notify any such person not already notified.
- (5) Before or during the inquest, the coroner must take reasonable steps—
 - (a) to obtain from any person notified under subsection (3) or (4) the names and addresses of interested persons; and
 - (b) to notify any interested person whose name and address he obtains.
- (6) The coroner must take reasonable steps to give any interested person notified under subsection (3), (4) or (5) an opportunity to examine witnesses at the inquest.
- (7) In subsections (5) and (6), “interested person” means a person who appears to the coroner to be likely to be concerned with the inquest—
 - (a) as the finder of the treasure or otherwise involved in the find;
 - (b) as the occupier, at the time the treasure was found, of the land where it was found, or
 - (c) as having had an interest in that land at that time or since.

PROSPECTIVE

[^{F3}9A Procedure for inquests: Northern Ireland

- (1) Before conducting an inquest concerning an object, a coroner must—
 - (a) notify the Department of the Environment for Northern Ireland;
 - (b) take reasonable steps to notify—
 - (i) any person who the coroner thinks may have found the object; and
 - (ii) any person who, at the time the object was found, occupied land that the coroner thinks may be where it was found.
- (2) During the inquest the coroner must take reasonable steps to notify any person within subsection (1)(b) who has not already been notified.
- (3) Before or during the inquest, the coroner must take reasonable steps—
 - (a) to obtain the names and addresses of any other interested persons; and
 - (b) to notify any interested person whose name and address he obtains.
- (4) The coroner must take reasonable steps to give any interested person an opportunity to examine witnesses at the inquest.
- (5) In this section—
 - “inquest” means an inquest held by virtue of section 7(1);
 - “interested person” means—

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- (a) the Department of the Environment for Northern Ireland;
- (b) the finder of the object in question or any person otherwise involved in the find;
- (c) the occupier, at the time the object was found, of the land where it was found or is believed to have been found;
- (d) a person who had an interest in that land at that time or who has had such an interest since;
- (e) any other person with a sufficient interest.

(6) This section extends only to Northern Ireland.]

Textual Amendments

F3 Ss. 9, 9A substituted (E.W. and N.I. respectively) (prosp.) for s. 9 by [Coroners and Justice Act 2009](#) (c. 25), ss. 177(1), 182(4), [Sch. 21 para. 41](#) (with s. 180)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(5)(6) substituted for s. 8(5) by [2009 c. 25 Sch. 21 para. 39\(4\)](#)
- s. 8(7) inserted by [2009 c. 25 Sch. 21 para. 39\(5\)](#)
- s. 10(5)(d) inserted by [2009 c. 25 s. 30\(2\)](#)