During the Parliamentary process leading to the Treasure Act 1996, the Government gave an undertaking to bring forward an Order under section 2(2) of the Act to exempt objects that are subject to the Church of England's own systems of control over movable articles. This undertaking has now been given effect through the Treasure (Designation) (Amendment) Order 2023.

The exemption is for:

- objects subject to the faculty jurisdiction found on land which is itself subject to the faculty jurisdiction and held or controlled by an ecclesiastical corporation (usually an incumbent of a benefice), a parochial church council or a diocesan board of finance (referred to in this guidance as 'church land');
- objects which are found in or under a cathedral church or within its precinct ('cathedral land').

An object found in a church or churchyard which would have been 'treasure' as defined in the Treasure Act 1996 is, therefore, usually exempt from the processes set out in the Act.

**Download our guidance**

- Treasure on church land

This guidance is concerned with the treatment of objects that are found on church land and which would, but for the Treasure (Designation) (Amendment) Order 2023, be 'treasure' for the purposes of the Treasure Act 1996. The guidance is intended for any person or body within the Church of England responsible for the use, care, conservation, repair, planning, design and development of churches.

It applies to all Church of England churches, including cathedral churches, in England and the small number of Church of England churches in Wales. It also applies to the land connected to closed churches that are held by incumbents and managed under the Faculty Jurisdiction Rules. The guidance is, in particular, intended for the assistance of incumbents, churchwardens, parochial church councils (PCCs) and Diocesan Advisory Committees (DACs).

**What to do if an object is found**

If an object is found on church land and the object seems to fall within the Treasure Act's definition of 'treasure', the incumbent and...
churchwardens or PCC need to seek the advice of the DAC. The DAC – if necessary, as advised by the Church Buildings Council and the Diocesan Registrar – should be able to advise the parish on the nature of the object, including whether it falls within the definition of ‘treasure’ in the Treasure Act 1996, and whether it is an exempt object. An exempt object and any other object and articles found in association with it should be treated appropriately so they will not deteriorate in a different environment, and the storage conditions should be suitable without causing detriment to the object’s condition.

If an object is found in or under a cathedral church or within its precinct, the administrator should be notified, who will then inform the cathedral archaeologist (if not currently aware), and a formal record of the information around the object will be held by the administrator, as advised by the cathedral archaeologist. After examining the object, the cathedral archaeologist will notify the Chapter (if necessary) and the administrator in writing whether the object is a potential treasure as defined by the Treasure Act 1996. The Chapter will then obtain expert advice as soon as reasonably practicable as to the conditions that are appropriate for the preservation of the object and will follow the Rules set out in Part 7 of the Care of Cathedral Rules 2006, including notifying the Cathedral Fabric Commission for England, the Vicar-General, and the Secretary of State.

Recording the object

As a general practice, the objects should be reported to the local Historic Environment Record office and the local finds liaison officer who will ensure the find is recorded under the Portable Antiquities Scheme. The finds liaison officer will be a good source of initial advice on identifying and dating the object, as will the archaeologists involved in any excavation work in connection with the find.

Safekeeping

It is envisaged that an exempt object, once found, will be retained indefinitely in the ownership and care of the churchwardens and PCC. Any exempt object found on church land must be held in a secure and safe location and recorded in the church inventory. Information on the context of the find should also be recorded alongside details of the project in the church log book.

Where a church is subject to the faculty jurisdiction rules, any objects found are subject to the jurisdiction of the consistory court of the diocese. An authorisation from the consistory court known as a ‘faculty’ is required for the lawful removal of any object from the site (or, in the case of urgent temporary removal, an archdeacon’s place of safety order). This includes loans to museums.

Under the Care of Cathedral Rules 2006, any object found within a cathedral setting, where reasonably practicable, will be made available to be viewed by members of the public in conditions which are secure and appropriate for its preservation. In the interests of the security and...
preservation of objects of treasure, individual access by those who are not officers of the cathedral or persons carrying out work for the cathedral shall be limited to those who have been expressly authorised in writing by the Chapter.

Source URL: https://www.churchofengland.org/resources/churchcare/advice-and-guidance-church-buildings/treasure-church-land