

MEMORANDUM OF UNDERSTANDING

THE PROVISION OF SERVICES IN RELATION TO THE
ADMINISTRATION OF THE TREASURE ACT 1996

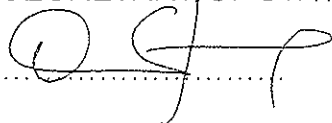
1. On 19th March 2007 British Museum Great Court Limited ("BMGC"), a company controlled by the British Museum, will become responsible for the provision of services in relation to the Secretary of State for Culture, Media and Sport's functions under the Treasure Act 1996. The services to be provided are set out in an agreement between the Secretary of State and BMGC Ltd which is annexed to this Memorandum of Understanding.
2. This Memorandum of Understanding states the British Museum's consent to that arrangement and sets out the responsibilities which the Secretary of State will retain after the commencement of the agreement with BMGC and the British Museum's responsibilities in connection to it.
3. The British Museum is responsible to the Secretary of State for the conduct of BMGC.
4. The Secretary of State continues to be subject to the Freedom of Information Act 2000 in relation to any requests for information relating to the administration of the Treasure Act 1996. The British Museum will handle any freedom of information request it receives in accordance with the Freedom of Information Act 2000 and the FOI Handling Protocol between it and the Secretary of State.
5. The Secretary of State will continue to perform the functions set out in Schedule 1 to this Memorandum.
6. The British Museum will perform the functions set out in Schedule 2 to this Memorandum.

SIGNED BY:

FOR THE SECRETARY OF STATE

Full name

Date



19/03/07

SIGNED BY:

FOR THE BRITISH MUSEUM

Full name

Date



A. BURNETT

20/3/07

Schedule 1

Secretary of State's Residual Responsibilities

1. Where the British Museum expresses an interest in acquiring a find, the Secretary of State will perform the following functions. In performing these functions, the Secretary of State will seek advice and assistance from her officials as necessary:
 - (a) The Secretary of State will select an appropriate provisional valuer from a list of approved valuers. In these cases the Secretary of State will provide payment for this service.
 - (b) Once the valuation has been completed and received by the Secretary of State, she will inform the finder, landowner and/or occupier, and the British Museum of the provisional valuation. She will also provide a Treasure Valuation Guidance Note and the report on the find prepared for the Coroner.
 - (c) Whereas BMGC is responsible generally for supplying the briefing pack, comprising agenda and related documentation, to the Treasure Valuation Committee ("TVC"), the Secretary of State will provide BMGC with any papers relating to the finds which the British Museum has expressed a wish to acquire. Those papers will be sent to BMGC 2 working days before it is required to circulate the briefing pack.
 - (d) The Secretary of State will consider, and where appropriate, approve any minutes which have been taken by BMGC relating to those finds which the British Museum wishes to acquire.
 - (e) Within 3 working days following the meeting of the TVC, the Secretary of State will notify the finder, landowner and/or occupier and British Museum of the valuation reached by the TVC, or in cases where a valuation has not been reached, of any interim decisions taken by the TVC. When an item which the British Museum wishes to acquire is discussed in the TVC meetings, no representatives from the British Museum will enter into any discussion regarding that item except where their expert opinion is sought by the TVC on any technical aspect of the find.
 - (g) The finder, landowner and/or occupier and British Museum will be

afforded the opportunity to comment on the valuations set by the TVC. Only comments which refer directly to the valuation or abatement of a find will be considered. The Secretary of State will arrange for those comments to be included within the briefing pack of the next appropriate TVC meeting.

- (h) If the finder, landowner and/or occupier and British Museum notify the Secretary of State of their acceptance of the valuation by the TVC, the Secretary of State will reply, noting their acceptance and requesting their preferred method of payment. If the valuation is not agreed by all parties, but the TVC considers that the find does not warrant further consideration, the Secretary of State will consider the TVC's recommendations and determine the appropriate level of reward. When the Secretary of State has determined the appropriate level of reward, she will invoice the British Museum.
 - (i) Once the Secretary of State has received the payment from the British Museum she will:
 - (i) Send a letter to the British Museum acknowledging receipt of the payment and informing it of details of collection of the find; and
 - (ii) Make a payment to the finder and landowner and/or occupier in the proportions and levels determined.
 - (j) In cases where the British Museum becomes interested after the start of the valuation process (if, for example, another museum no longer wishes to acquire the find) the Secretary of State will assume responsibility for the relevant stages from the point at which the other museum withdraws its interest, and will take receipt of all paper work which relates to the valuation of the find in question.
2. In all cases, the finder, landowner and/or occupier or the acquiring museum is entitled to make representations against a final recommendation made by the TVC. Such representations are made to the Secretary of State. When any representations are received, the Secretary of State will inform all interested parties of those representations. Once the Secretary of State has considered any representations made, she will inform all interested parties of her decision.
 3. The Secretary of State will be responsible for the appointment and reappointment of members to the TVC.
 4. The Secretary of State will observe each meeting of the TVC.
 5. The Secretary of State will continue to have policy responsibility for the administration of the Treasure regime. Where any change of policy is

- proposed, the Secretary of State will consult with the British Museum and BMGC and take account of their views and any impact that the proposed policy change may have on the services provided by BMGC.
6. The Secretary of State will lay the Treasure Annual Report before Parliament, in accordance with section 12 of the Treasure Act.
 7. The Secretary of State will be responsible for any revisions to the Treasure Code of Practice, and will consult publicly on any proposed revisions. When proposed revisions to the Code of Practice have been consulted upon, and published, the Secretary of State will lay before Parliament a copy of the Code, and any proposed revisions.
 8. The Secretary of State will be responsible for any communications with the media arising out of decisions which she has taken in relation to, for example, valuations of finds, abatements of any rewards and policy issues.

Schedule 2

The British Museum's Responsibilities

1. The British Museum will continue to perform the following functions:
 - (a) Act as a central point of enquiry for finders, local museums and coroners, providing a monitoring and chasing function for all stages of the pre-inquest process.
 - (b) Receive deliveries of reported treasure via the local museum curator or FLO and provide storage of all potential treasure finds for the duration of the process.
 - (c) Prepare a report on the find and provide scientific analysis when required.
 - (d) Pass all relevant information to the coroner so that an inquest can be held.
2. The British Museum will also perform the following additional functions:
 - (a) It will require BMGC to report to it at regular intervals on the performance of its services under the Treasure Act and will account for BMGC's performance to the Secretary of State in an annual written report, separate from and in addition to the Treasure Annual Report.

- (b) The British Museum will advise the Secretary of State of any trading difficulties which BMGC experiences as soon as it becomes so aware and will ensure that adequate financial management systems are in place within BMGC to protect the performances of the services under the Treasure Act.

- (c) In the event that BMGC ceases trading, the British Museum will use its best endeavours to identify another company which it controls to assume responsibility for performance of the services under the Treasure Act.

AGREEMENT FOR THE PROVISION OF SERVICES IN RELATION TO THE ADMINISTRATION OF THE TREASURE ACT 1996

THIS AGREEMENT is made between:

(1) The Secretary of State for Culture, Media and Sport ("The Secretary of State");

and

(2) British Museum Great Court Limited ("BMGC") (Company No. 4098945),
Registered Office: Great Russell Street, London, WC1B 3DG

together referred to as "the Parties"

WHEREAS

(A) The British Museum has since the inception of the system under the Treasure Act 1996 for dealing with items of treasure claimed by the Crown played a key role in the valuation process under which the Treasure Valuation Committee makes recommendations to the Secretary of State in respect of the value of items of treasure and rewards to finders and landowners.

(B) The British Museum has reached an understanding with the Secretary of State that BMGC, a company controlled by the British Museum, will provide her with services in relation to her functions under the Treasure Act 1996 and BMGC is willing to provide such services on the terms and conditions set out in this Agreement.

NOW THEREFORE IT IS AGREED THAT:

INTERPRETATION

1. In this Agreement, the following expressions shall have the following meanings:

'Acquiring Museum' means a museum which has expressed an initial interest in purchasing a particular treasure find and for the avoidance of doubt includes a museum that does not in fact acquire the find whether for lack of funds or otherwise.

'the Act' means the Treasure Act 1996.

'the Code' means the Code of Practice under section 11 of the Act.

'Commencement Date' means 19 March 2007.

'DCMS' means the Department for Culture, Media and Sport.

'FLO' means a Finds Liaison Officer under the Portable Antiquities Scheme.

'the Services' means the services to be performed by BMGC in relation to the administration of the Act and the Code set out in Schedules 1 and 2 to this Agreement.

"the TVC" means the Treasure Valuation Committee.

SERVICES TO BE PROVIDED

- 2.1 BMGC shall provide the Services to the Secretary of State with effect from the Commencement Date.
- 2.2 It shall be a condition of this Agreement that BMGC shall exercise all reasonable care, skill and diligence in performing the Services, without prejudice to the specific requirements of Schedules 1 and 2.

CHARGES

- 3.1 The Secretary of State shall pay to BMGC the sum of £5,500 as a one off payment, on receipt of an invoice submitted by BMGC for that sum.
- 3.2 The Secretary of State shall pay to BMGC the sum of £101,972 annually. That sum is made up of £44,748 for staff costs and £57,224 for all other costs and shall be paid in four instalments of £25,493 at quarterly intervals following receipt of an invoice submitted by BMGC. The first invoice shall be submitted by 1 April 2007. Payment shall be due 30 days after receipt of BMGC's invoice by the Secretary of State.
- 3.3 The amounts stated in this clause are exclusive of value added tax which shall be payable by the Secretary of State in addition where applicable.
- 3.4 The Parties shall review the running costs of providing the Services and shall review the amounts specified in clause 3.2:
 - 3.4(a) The sum of £44,748 paid in respect of staff costs shall be reviewed annually with the first review taking place on the first anniversary of the Commencement Date and every year thereafter;
 - 3.4(b) The sum of £57,224 paid in respect of all other costs shall be reviewed at a mutually agreed interval that fits in with the Government's Spending Review Cycle but failing agreement such reviews shall be held following the third anniversary of the Commencement Date and every three years thereafter.

RESPONSIBILITIES UNDER THE FREEDOM OF INFORMATION ACT 2000 AND TRANSFER OF INFORMATION

- 4.1 BMGC acknowledges that BMGC, the Secretary of State and the British Museum are all subject to the Freedom of Information Act 2000 and shall assist and cooperate with the Secretary of State and the British Museum (at BMGC's expense) to enable the Secretary of State and British Museum to comply with the requirements under that Act in respect of requests made to either of them.
- 4.2 BMGC shall deal with any freedom of information request it receives in accordance with the Freedom of Information Act 2000 and the FOI Handling Protocol between the British Museum and the Secretary of State.
- 4.3 Schedule 2 shall apply in respect of requests relating to the Services made to the Secretary of State under the Freedom of Information Act 2000.

CONFIDENTIALITY

- 5.1 Subject to clause 5.2, each party –
 - 5.1(a) Shall treat as confidential all information obtained from the other Party under or in connection with this Agreement;
 - 5.1(b) Shall not disclose any of that information to any third party without the prior written consent of the other Party, except to such persons and to such extent as may be necessary for the performance of the Agreement;
 - 5.1(c) Shall not use any of that information otherwise than for the purpose of the Agreement.
- 5.2. Clause 5.1 shall not apply where the Secretary of State is obliged to make information available for the purposes of Parliamentary scrutiny or by law.

TRANSFER AND SUB-CONTRACTING

6. BMGC shall not assign, sub-contract or in any other way dispose of its responsibilities under this Agreement without the prior written consent of the Secretary of State.

AGENCY

- 7.1 Subject to Clause 7.2, nothing in this Agreement shall be deemed to constitute BMGC to be the agent of the Secretary of State and BMGC shall not hold itself out as agent to the Secretary of State.
- 7.2 BMGC shall act as agent of the Secretary of State in performance of the Services

specified in Schedule 1, Section A, paragraphs 7 (in respect only of the issue of invoices) and 9.

BREACH OF THE AGREEMENT

8. If in the opinion of the Secretary of State any breach of this Agreement has occurred which she believes is capable of remedy she may in writing request BMGC to remedy the defect within one month.

TERMINATION OF CONTRACT

- 9.1 The Secretary of State may terminate the Agreement in whole or in part by written notice to BMGC with immediate effect if:
- 9.1(a) she has served notice on BMGC under clause 8 above and the breach which was the subject of her notice has not been remedied to her satisfaction;
 - 9.1(b) a breach of this Agreement has occurred that in the opinion of the Secretary of State is not capable of remedy; or
 - 9.1(c) a breach of the Agreement has occurred that in the opinion of the Secretary of State is a fundamental breach of the Agreement.
- 9.2 BMGC or the Secretary of State may terminate the Agreement by giving not less than three months' notice in writing to the other Party.
- 9.3 On termination of this Agreement BMGC shall cease to have any responsibility for the administration of the Act which shall continue to rest with the Secretary of State.

SERVICE OF NOTICE

- 10.1 Any notice from one Party to the other shall be in writing by letter or by facsimile transmission.
- 10.2 For the purposes of Clause 10.1 the addresses of the Parties shall be:

10.2(a) For the Secretary of State:

Department for Culture Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH
Tel: 020 7211 6000
Fax: 020 7211 2006

10.2(b)

For BMGC:

The British Museum Great Court Limited
(Company No. 4098945)
Great Russell Street
London
WC1B 3DG
Tel: 020 7323 8619
Fax: 020 7323 8480

- 10.3 Either Party may change its address for service by notice given in accordance with this Clause.

SEVERABILITY

11. If any provision of the Agreement is held invalid, illegal or unenforceable for any reason by any court of competent jurisdiction such provision shall be severed and the remainder of the provisions of the Agreement shall continue in full force and effect as if the Agreement had been executed with the invalid, illegal or unenforceable provision eliminated. In the event of a holding of invalidity so fundamental as to prevent the accomplishment of the purpose of the Agreement the Parties shall immediately commence negotiations in good faith to remedy the invalidity.

WAIVER

- 12.1 The failure of any Party to exercise any right or remedy shall not constitute a waiver of that right or remedy.
- 12.2 No waiver shall be effective unless it is communicated to the other Party in writing.
- 12.3 No waiver of any right or remedy arising from one breach of the Agreement shall constitute a waiver of any right or remedy arising from any other breach of the Agreement.

VARIATION

- 13.1 This Agreement shall not be varied unless agreed in writing by both Parties. If varied the amended version must be signed by representatives of both Parties and be made available for public scrutiny, making it clear where any amendments have been made.
- 13.2 The Agreement shall in any event be jointly reviewed by the Secretary of State and BMGC at the same intervals as apply to costs set out in Clause 3.4 (b).

IN WITNESS OF WHICH THE PARTIES HAVE CAUSED THIS AGREEMENT TO BE SIGNED BY THEIR DULY AUTHORISED REPRESENTATIVES as follows:

SIGNED BY:

FOR THE SECRETARY OF STATE

Full name 

Date 19/03/07

SIGNED BY:

FOR BRITISH MUSEUM GREAT COURT LIMITED

Full name 

Date 19/07/07

SCHEDULE 1: THE SERVICES

SECTION A: BMGC'S RESPONSIBILITIES FOR THE OPERATION OF THE TREASURE PROCESS

1. Where a museum has expressed a wish to acquire the find, and the find is declared treasure, BMGC shall select an appropriate provisional valuer from a list of approved valuers.
2. It shall be BMGC's responsibility to update and maintain the list of approved provisional valuers and make it available to the Secretary of State. It shall also be BMGC's responsibility to ensure that all provisional valuers are aware of their responsibilities when providing a valuation service, in particular their responsibility not to provide a valuation to the finder or landowner and/or occupier connected with a find on which the valuer has advised BMGC or to give opinions on treasure valuations to any parties other than BMGC.
3. Once the valuation has been completed and received by BMGC, it shall inform all interested parties of the provisional valuation. Those communications shall include a copy of the Treasure Valuation Guidance Note and the report on the find prepared for the Coroner.
4. BMGC shall be responsible for arranging the meetings of the TVC:
 - (i) it shall be responsible for arranging the following housekeeping responsibilities arising out of the TVC's meetings:
 - (a) Providing refreshments;
 - (b) Administering and reimbursing the reasonable travel and subsistence claims of the TVC members;
 - (c) Ensuring that finds which are held at the British Museum are made available to the TVC for inspection;
 - (d) Providing accommodation for TVC meetings.
 - (ii) BMGC shall prepare agendas for the meetings (in consultation with the Secretary of State). Agendas shall include a list of finds to be considered at any meeting. Issues not directly related to the valuation of treasure finds before the TVC for consideration shall only be included on the agenda with the prior agreement of both the Secretary of State and BMGC.
 - (iii) Briefing packs comprising the agenda and any related documentation shall be circulated at least 7 days in advance of any meeting to allow members of the TVC time to view any finds of a complicated nature ahead of the meeting. BMGC shall also send a copy of the briefing pack to the Secretary of State and, if required by the body concerned, to the contact from time to time designated by the National Museum of Wales and the Environment and Heritage Service,

Northern Ireland.

(iv) BMGC shall send a representative to attend each meeting of the TVC who shall be responsible for drafting the minutes of each meeting. Draft minutes shall be prepared within 7 days of the meeting taking place and the approval of the Chair of the TVC to those draft minutes shall then be sought before they are finalised. Representatives from BMGC and the British Museum shall not enter into any discussion regarding any find which the British Museum wishes to acquire except where their expert opinion is sought by the TVC on any technical aspect of the find. BMGC shall draft the minutes of those discussions but shall seek the Secretary of State's approval to them before submitting them to the Chair of the TVC.

5. Within 5 working days following a meeting of the TVC, BMGC shall notify the finder, landowner and/or occupier and acquiring museum of the valuation reached by the TVC, or in cases where a valuation has not been reached, of any interim decisions taken by the TVC.
6. BMGC shall notify the finder, landowner and/or occupier and acquiring museum of their opportunity to comment on the valuations set by the TVC before a final recommendation to the Secretary of State is made. BMGC shall include comments received within the briefing pack of the next appropriate TVC meeting and shall only include comments which refer directly to the valuation or abatement of a find. Where necessary the BMGC shall redact any material which does not refer directly to the valuation or abatement.
7. Where the finder, landowner and/or occupier and acquiring museum notify BMGC of their acceptance of the TVC's valuation, BMGC shall reply, noting their acceptance and asking for their preferred methods of payment. If the valuation has not been agreed by all parties, but the TVC decides that the find does not warrant further consideration, the BMGC shall submit the TVC's recommendations, in the form of the minutes for the meeting or meetings in which the find was discussed, to the Secretary of State for her consideration. Once BMGC has received confirmation of the reward level approved by the Secretary of State it shall invoice the acquiring museum. BMGC may use the DCMS logo on invoices it sends out under this paragraph (but in no other circumstances without the express consent of the Secretary of State).
8. BMGC shall set up a separate designated bank account into which it shall pay any money which it receives from the acquiring museum. BMGC shall keep accurate accounts of all transactions passing through that account and shall be prepared at all times to produce those accounts to the Secretary of State.
9. Once BMGC has received the payment from the acquiring museum and the account details of the finder and landowner and/or occupier it shall:
 - (i) Within 10 working days make a payment out of the designated account described in paragraph 8 above to the finder and landowner and/or occupier in the proportions and levels decided by the Secretary of State;

and

- (ii) Send a letter to the museum acknowledging receipt of the payment and informing it of details for collection of the find.

Section B: BMGC'S GENERAL RESPONSIBILITIES IN RELATION TO THE ADMINISTRATION OF THE ACT AND CODE.

10. BMGC shall:

- (i) Arrange access to objects for provisional valuers and TVC meetings where those objects are held at the British Museum.
- (ii) Notify immediately the Secretary of State where the British Museum expresses an interest to acquire a find in order to allow the Secretary of State to undertake her responsibilities in relation to commissioning a provisional valuation; corresponding with the finder, landowner and/or occupier and British Museum; working with the TVC; invoicing the British Museum and paying any reward to the finder and landowner and/or occupier. In these cases BMGC shall pass any papers relating to the find to the Secretary of State.
- (iii) Notify the Secretary of State when any member of the TVC comes within 6 months of the end of his or her term.
- (iv) Co-ordinate the return of unwanted finds to finders, either directly or via the FLO.
- (v) Confirm in writing to a finder or landowner where they have expressed the wish to forego their right to a reward. At six-monthly intervals, with effect from the Commencement Date, BMGC shall prepare and send to the Secretary of State a list of those who have foregone their right to a reward.
- (vi) Write to the Coroner, the local museum, the finder and the landowner and/or occupier informing them when a find has been disclaimed and shall include a copy of the treasure receipt form, obtaining a copy from the FLO where necessary.
- (vii) Undertake responsibility for preparing for publication the text of the Treasure Annual Report, to be drafted by BMGC in consultation with the Secretary of State. BMGC shall submit a draft to the Secretary of State for her approval. Once the Secretary of State's approval has been given to the final contents of the Annual Report, BMGC shall arrange for its publication and shall provide the Secretary of State with 135 copies of the

published Annual Report (unless she stipulates otherwise) to enable the Secretary of State to lay it before Parliament.

- (viii) Prepare for publication the text of any proposed revisions to the Treasure Code of Practice which have been drafted in consultation with the Secretary of State and which have been publicly consulted on. Once the final text has been approved by the Secretary of State, BMGC shall provide the Secretary of State with such assistance as she may require to enable her to obtain the necessary Parliamentary approvals and publish the revised Code.
- (ix) Assist the British Museum to report to the Secretary of State on BMGC's activities under this Agreement.
- (x) Provide information and briefing, as soon as practicable and as requested by the Secretary of State in relation to the Services or any of them and in particular in relation to the following:
 - (a) Ministerial correspondence, including "Treat Official" correspondence (where the reply comes from an official);
 - (b) Parliamentary Questions;
 - (c) contributions to briefing for Parliamentary Debates, Select Committee Enquiries; and
 - (d) enquiries by the National Audit Office or the Public Accounts Committee.
- (xi) BMGC shall be responsible for all communications with the media on issues connected to, or deriving from its role in the administration of the treasure regime. In cases where responsibility for communication with the media is unclear, BMGC shall consult the Secretary of State prior to communicating with the media.

SCHEDULE 2: TRANSFER OF INFORMATION AND FREEDOM OF INFORMATION

A The Transfer of Paper and Electronic Information and Records

1. The Secretary of State shall transfer to BMGC to hold on her behalf all current case files and any created in the two years preceding the Commencement Date, held by DCMS that relate to specific finds of treasure. Where information on those files is held electronically by the Secretary of State she shall also provide BMGC with an electronic copy of that information. BMGC shall not copy that information further without the express consent of the Secretary of State.
2. The Secretary of State shall provide BMGC with a full list of requests under the Freedom of Information Act 2000 ("FOI requests") received by the Secretary of State before the Commencement Date for information relating to the Services where the request concerns a file transferred to BMGC, and a copy of the response made.
3. For the purposes in (a) and (b) below, BMGC shall follow DCMS procedures, as advised by DCMS Department Records Officer, in relation to any files or other records which have been transferred from the Secretary of State to BMGC under paragraph 1 above:
 - (a) to identify for destruction any files or records (paper and electronic) that are no longer of current or future business or historic interest.
 - (b) to identify for retention any other files or records (paper and electronic) that may be of current or future business or historic interest.
4. BMGC shall return to the Secretary of State any files which they are holding on her behalf or transfer them as she may direct whenever requested by her to do so, but she shall not make such a request without first consulting BMGC. On termination of this Agreement BMGC shall transfer to the Secretary of State all case files created by BMGC after the Commencement Date that relate to specific finds of treasure. Where information on those files is held electronically by BMGC it shall also provide the Secretary of State with an electronic copy of that information.

B Respective FOI obligations of DCMS and BMGC in relation to functions which are being transferred

5. The Secretary of State shall appoint a person to act as the main point of contact with BMGC in relation to all issues concerning Freedom of Information requests in relation to the Services, and notify BMGC of the appointment, and of any subsequent changes made to that appointment. BMGC shall also appoint a person to act as the main point of contact with the Secretary of State in relation to such issues, and notify the Secretary of State of the appointment, and of any subsequent changes to that appointment.

6. The Secretary of State shall be solely responsible for responding to any FOI request in relation to the Services until such time as the information relating to those Services has been transferred to BMGC in accordance with paragraph 1 above.
7. From the Commencement Date, the Secretary of State shall continue to be responsible for responding to any FOI request received by her in relation to the Services but BMGC shall assist her in providing its response by following the procedure described in (a) to (f) below:
 - (a) On receipt of a request relating to the Services, the Secretary of State shall transfer that request to BMGC within 2 working days of receipt;
 - (b) BMGC shall, subject to the exemption under section 12(1) of the Freedom of Information Act 2000, conduct a search of the files transferred to it and of its own files and confirm to the Secretary of State if it holds information relevant to the request. BMGC shall notify the Secretary of State, giving reasons, where it believes that the exemption under section 12(1) of the Act may apply;
 - (c) In all cases, BMGC shall draft a response to the request on behalf of the Secretary of State, and provide a copy of that draft response to the Secretary of State. If BMGC holds information relevant to the request (either on behalf of the Secretary of State or on its own behalf), it shall provide that information to DCMS.
 - (d) BMGC shall comply with (b) and (c) above within 10 working days of receipt of the request from the Secretary of State.
 - (e) The Secretary of State shall consider, and where appropriate approve, that draft and respond to the request. If the Secretary of State considers that further consideration is required by BMGC, she shall advise BMGC of this within 2 working days of receipt of BMGC's draft response. BMGC shall then respond to any matters raised by the Secretary of State within 4 working days in order to assist the Secretary of State to respond within the statutory time limit of 20 working days.
 - (f) Those persons appointed under paragraph 5 above shall be responsible in the first instance for performing, or ensuring the performance, of the procedure set out at (a) to (e) above.
8. The responsibility for responding to any complaint received about the handling of an FOI request received by her shall rest with the Secretary of State but in all cases BMGC shall assist the Secretary of State in its response to the complaint and give the Secretary of State sufficient access to the files to enable her to respond to the complaint.
9. If BMGC receives a request which is intended for the Secretary of State it shall deal with it according to the procedure set out in paragraph 7 (b) to (f) above.

Where BMGC receives a request addressed directly to it, the Secretary of State shall offer such assistance to BMGC as it may reasonably require (having regard to the information held by each Party and the responsibilities of each under this Agreement, the Freedom of Information Act 2000 and the FOI Handling Protocol between the British Museum and the Secretary of State).

10. The Secretary of State shall inform BMGC where information which has been transferred to BMGC under paragraph 1 above is considered by the Secretary of State to be sensitive or confidential either when the information is shared with BMGC, or, at the latest, when the Secretary of State receives or is informed of an FOI request to which that information may be relevant.
11. BMGC shall inform the Secretary of State where information which has been given to the Secretary of State as a consequence of the transfer of functions is considered by BMGC to be sensitive or confidential either when the information is shared with the Secretary of State, or, at the latest, when BMGC are informed of an FOI request to which that information may be relevant.
12. BMGC shall in addition consult Secretary of State on the appropriate response to be given to any FOI request which:
 - (a) may require the disclosure of information supplied to the Secretary of State or BMGC in connection with a particular treasure case;
 - (b) may require the disclosure of information supplied by the Secretary of State which the Secretary of State considers is confidential or sensitive.
13. The Secretary of State shall consult BMGC on the response to be given to any FOI request which may require the disclosure of information supplied by BMGC which BMGC consider is confidential or sensitive.
14. The consultation required by paragraphs (11), (12) and (13) above, where practicable, shall be conducted so as to allow the party being consulted sufficient time to comment on any response to be given to the request.
15. Where BMGC considers that any information which is relevant to a request received by the Secretary of State should be withheld, it shall provide a full explanation, stating which exemption is thought to apply, and, if relevant, why the balance of the public interest (as described in section 2(2)(b) of the Freedom of Information Act 2000) favours withholding the information. The responsibility for deciding what information should be disclosed in response to a request will remain that of Secretary of State, unless the request is formally transferred to BMGC or another public authority pursuant to the Freedom of Information Act 2000.