

NATIONAL COUNCIL FOR METAL DETECTING

A record of a meeting held at National Heritage,
Cockspur Street London,
on Wednesday 23rd November 1994.

Present for National Heritage :-

Ian Newton, National Heritage.
Roger Bland, British Museum / National Heritage - Liaison.
Andrew Burnett British Museum.
Professor Norman Palmer, Barrister and Consultant Expert on T.T., from
University College, London.

Present for NCMD :-

Gerald Costello, Dennis Jordan, Trevor Austin, John Farjher.

Apologies : Hugh Corner of National Heritage - ill.
Paul Jenkin of H.M. Treasury - unavailable.
John Wells Of NCMD - work commitments.

Preamble to Meeting.

Once again, the delegates met in London to fine tune the response they would give, in the light of Sunday 20th's NCMD Meeting, to those attempting to justify the Treasure Bill. There was consensus that we had done extremely well at the last meeting and that we would continue in "Tough but Reasonable" mode in the coming meeting. We felt tat we had identified several weak points in the bill which were dcservous of further probing. .

The meeting opened promptly at 11.30 a.m.....with coffee.

In response to the various views expressed at the previous Sunday's NCMD meeting, John Fargher opened the proceedings by reading a prepared written statement (agreed by all delegates) on your behalf .

(copy attached.)

Dennis Jordan followed an appeal for common sense in all areas with a well-reasoned attack on various proposed changes and anomalies within Treasure Trove practices. He demanded no more than "a level playing field" for all panics. In the matter of juries, he persuaded those present that proposed changes did not rest upon "tidying-up" or "time-saving" but on "money-saving" and "the removal of an individual's fights under common law" and that unless juries were reinstated at T-T- inquests, we could not support that section of the bill.

In the area of franchisees, Dennis could name 47 franchisees including the Crown, and made a strong case that unless franchisees gave up their privileges to the State the intention of the bill would be negated and its practise heavily biased against finders. .

Gerald Costello supported these points with accounts of specific cases.

Professor Palmer, probably to the surprise and disgruntlement of the B-M- people present, supported the NCMD'S position. He saw no good reason for the removal of juries and recognised the ordinary man's concern at the suggestion of unwarranted change. He suggested that the national interest should be paramount but the only way around the franchisee stumbling-block was to either persuade them to give up their fights voluntarily or to buy them out with compensation or reward from some central fund. Within the present system, finders, landowners, archaeologists and the British Museum could all be equal losers. The fights of franchisees, founded in ancient law, and supported by modern European law, could not be removed without adequate compensation but unless a solution is found, it is distinctly possible that they could claim "national Treasures"..... -and sell them on whatever market they liked !

Roger Bland agreed to speak to the Home Office about the reinstatement of juries into the wording of the bill.

Trevor Austin raised the "5% precious metal" clause and suggested that it was unworkable in practice and unreasonable in law. He asked how the figure had been reached, and why the more readily understood word "substantial" had been removed.

Andrew Burnett attempted to justify the suggested change by saying that "substantial" was imprecise in law. "A figure of 5% is more precise, and more reasonable," he argued.

John Fargher repeated his argument that detector users would have to become experts in metallurgy, that a system of testing stations would have to be set up,

and that he could not see the Home Office agreeing to the framing of any law which was so open to widespread misinterpretation and possible abuse.

Andrew Palmer, the barrister, merely nodded his head in agreement.

The problems concerned with "connected finds" was aired thoroughly with all your delegates making valid points about the invalidity of the concept. No-one other than a detector user could possibly conceive the myriad situations wherein connected finds would not be "connected material", it was suggested to the other side.

An equally valid argument was the weakness of a bill which could not cover material which was "connected" within its context, but not recognised as such because of a variety of

quirks when it came to recovery patterns (e.g. Same field, five people, five different days five associated coins.....all from the same scattered hoard.) '

These points were taken on board and it was suggested that when the Code of Practice is up for consultation, the NCMD can have written into it all the examples of when connected finds do not come under the bill as "connected material" -even if it takes a dozen pages.

Dennis .Jordan yet again expressed grave misgivings over the valuation procedure for material submitted to Treasure Trove Inquest. He quoted the law,, chapter and verse, and suggested that it was not being implemented in the area of "full market value." He reminded the B-M- representatives that there is a wealthy intentional market looking for treasures, and that it should be approached for true valuation figures if the legal requirement for "full market value" is to be observed.

There was no answer given to this which we could accept as reasonable but Roger Bland announced that the relevant committee papers on the Home Hoard would be made available to us in the very near future He commented that all three independent valuations obtained were within 7% of each other.

In response to a direct question on open information, he said that all T-T- valuation reports could be made available..... -providing the finders concerned agreed to this.

There was some small incidental discussion towards the end of the meeting about the provenancing of coins and antiquities, and the amount of material available on the open market which is not provenanced. Our delegates thought that significant metal detector finds, whether subject to T-T- inquest or not should have some sort of official provenancing certificate issued by the B-M- or one of its subsidiaries. This was considered a reasonable request by Andrew Burnett and Roger Bland. The merits of the subject will be examined in greater depth at a future meeting.

It was made very clear.....particularly to Messrs Bumett and Bland.....that unless they came up with some acceptable solutions in the following areas,

Treasure Trove juries,
Treasure Trove franchisees,
Treasure Trove valuations,
"5% precious metal" problems,
and more realistic definitions of "connected material",

we would be unable to recommend any of the bill to our members. What we did not -say is that, after those problems are solved, we will have some more for them to consider.

Footnotes.

1. This is a record of the meeting and its most pertinent points, and not the minutes which will be agreed and published jointly.....eventually. The meeting lasted for over two hours. I have been allowed by my fellow delegates to report the contents of the meeting in my own way, and without interference from, or prior reference to, them.

2. All of your delegates made relevant and valuable contributions to the meeting, but are faced with the knowledge that no matter how hard they fight there are others, in other camps, also

being consulted..... -----about why they think metal detecting should be eliminated altogether. We need to be pragmatic, recognise that the law is going to be changed in some way or other whether we like it or not, and fight to limit the changes to the minimum.

3. No date has been set for the next meeting at National Heritage. They do know when our next NCMD meeting will be (February-), and it is hoped that we will be able to meet before then, so that we can report positive progress to you.

John Fargher.
Miniting Secretary.