

## NATIONAL COUNCIL FOR METAL DETECTING

A record of a meeting held at National Heritage,  
Cockspur Street, London,  
on Monday 24th October 1994.

Present for National Heritage :-

Hugh Corner, Head of Department and chairman of meeting.  
Ian Newton, Clerk to Committee.  
Andrew Burnett, British Museum.  
Roger Bland, British Museum.  
Paul Jenkins, H-M- Treasury.

Present for NCMD :-

John Wells. Gerald Costello. Dennis Jordan. Trevor Austin. John Fargher.

Preamble to Meeting :

The NCMD delegates met in London on the afternoon of Sunday 23rd October and spent the rest of the day, into the late evening, following up phone and fax preparations by examining all the possible scenarios for the following day's meeting. This included an "immediate walkout" if it appeared that National Heritage wished to dictate the terms of the meeting , "lay down the law", or oilier Hobson's Choice..... -Take it, or leave it ! It was the unanimous view off the delegates that we should make every effort to convince National Heritage that the Treasure Bill was unnecessary', unjust, unworkable, and too expensive to implement.

The meeting opened at 11.40 am-..... -with all the usual pleasantries.

I. John Wells asked for the purpose of the meeting to be defined. "Part of the consultation process, but an informal part, with minutes agreed before publication by either side. " More formal consultation was liar the future.

2. During the course of the meeting, Hugh Corner made the following points :-

a) The government has decided to support the Treasure Bill, and is determined that a bill will pass successfully through Parliament which will increase its powers in the area of an extension of Treasure Trove practice.

b) This meeting is one of a series with interested parties and is intended to listen to views on the bill in order to gauge the prospects for its passage in the coming session of Parliament. The (government will stick to the central shape of the bill and will need convincing if any changes are proposed. They' see the bill as a way forward and compromises have already been reached in some areas.

c) The bill is not seen as anti-metal detecting, nor is it seen as a Portable Antiquities bill, but it is seen as a way of removing some anomalies..... e.g. "National Treasures being split because some items are precious metals, some are base metals, and some may be non metallic."

d) The bill is seen as a more liberal alternative to implementation of the Strasbourg Accord.

e) A brief run-down on the uneven passage of the current bill, and the objections to it in the House of Commons. When the present round of consultation is complete, and any changes negotiated made, the bill Will be presented again..... -on a Friday, because it is still a Private Member's Bill..... -but much earlier in the day in order that it may be discussed and questions answered.

'There is now all party support for the bill. The "workings" of the bill will be in a separate Code of Practice which will be subject to separate consultation, and requiring parliamentary approval before either the Treasure Bill or the Code of Practice can be put into force.

Q. If the bill in its present form continues to be presented to the House, what will you do about it.

A Fight it tooth and nail !

"Gentlemen, we need to strike a deal !"

John Wells responded to Mr Corner's opening statement as follows :-

a) The NCMD did not recognise the need for a treasure bill, especially one which was sponsored by the Surrey Archaeological Society/, and that the NCMD delegates present were there to draft some "grey areas" in the proposed bill in order that the NCMD might fine tune its own consultation paper on the subject.

b) No decisions would be made, no bargains struck at this meeting. No quotes from delegates should be used in any written records. Delegates would be reporting back to the full Council at a meeting on Sunday 20th November, where decisions on future actions may"/, may not be taken.

During the meeting all of your delegates contributed to an all round attack on the bill, in such a manner that it became increasingly obvious that National Heritage and the Treasury had not been briefed on the detailed objections, the logical argument and strength of feeling within the hobby.

The British Museum representatives suffered grave embarrassment, and were lost for the words to a sensible reply on more than one occasion. The major lines of attack (not necessarily in the order that they were made) developed by your delegates were :-

i) This is a 'metal' bill. It affects only metal detector users, and the honest ones (our members) do not need it. The thieves with detectors whom they need to address will not be affected by this bill. If the present Theft Laws cannot control them..... -this bill certainly will not !

No answer !

ii) The bill is ostensibly 'to protect our heritage, and the continuance of the present franchise arrangements ( where someone other than the state can claim ownership) negates the point of the bill. All such franchises should be passed to the state.

The Treasury man said it would be a difficult legal situation to test as a basic principle of law indicated that legal entitlement cannot be removed without compensation. In any case, he could not recall a case of a franchisee claiming against a finder.

Dennis Jordan put him right !

iii) The idea that a jury system could be removed from any 'Treasure Trove Inquest' is totally unacceptable because..... It removes the common man's historic right to be tried by his peers. Uninformed coroners would take advisement from.....archaeologists,/museums.

Both the treasury man and the B-M- delegates argued that inquests would be simpler and dealt with more quickly.....claiming that slowness was a common complaint from finders..... - but National Heritage took our concerns more seriously and said that they would look into them again.

iv) Judging 5% precious metal (as opposed to 4% or 6% is beyond the common man. It is an unnatural and unacceptable benchmark. It could make many honest people criminals overnight. Will there be a network of metallurgical testing stations set up'? Who will pay for them'? If the bill's requirement in this area is adhered to, we will have no option but to advise our members to take no chances and report everything. We will not support the possibility of them breaking the law! We will expect them to be given a receipt for every item handed in for classification. Who will set up the reporting stations? Who will pay for them'?

The B-M- delegates waffled that some things will be obviously not reportable, and shot themselves in the foot over the expertise (or lack of it) of detector users by stating that the country's leading experts on Celtic and Saxon coinage are detector users. The National Heritage and Treasury people listened with interest!

v) "Connective finds", as per the bill, is an unworkable perception of the reality of metal detecting. Amongst the objections put forward,.... --using the finding of hammered coins as an example..... -were..... Five individual detector users, finding five different coins, on five different days on the same field, without knowing about the others. Coins turned up by the plough season after season, [or different detector users, from a hoard buried too deep to be turned up complete.

The 'treasury man answered that there could be no offence without intent.

vi) HoxlJe, Middleham, Mildenhall, Congleton and Snettisham are all metal detecting Words. Nothing to do with archaeology! Amateurs, on unscheduled land, in their spare time, with no public funding.

Where are archaeology's equivalents to match ours '?  
Do archaeologists ever find precious metals ?  
Are they subject to Treasure Trove inquests ?

Much embarrassment ! B-M- delegates said nothing at first and then said that hoards were usually buried away from sites of occupation. In response to the question, "What happens to the precious metal casual losses and occasional hoards found on scheduled sites ?", a mumbled "Possibly one or two inquests a year." was volunteered. We all noted the use of the word "possibly" ! Treasury man said they are subject to the law like everyone else. National Heritage listened intently and made copious notes.

vii) In response to a B-M- statement that they were anxious to promote co-operation, but were aware of different attitudes towards them from the detecting lobby, it was pointed out to them that historically it was they that had denigrated the hobby, caused sites to be scheduled after detector finds had been made on them, encouraged archaeologists to visit farmers to get detector users banned, orchestrated STOP campaigns, and instituted "dog-in-the-manger attitudes. "

Mistrust, distrust, dislike were the harvest they had reaped and if bridges were to be built and co-operation become the order of the day, it is up to them to restore confidence by actions rather than words. After an, it was pointed out to them....You need us more than we need you

viii) The market value of finds going to T-T- inquests, overseas market values, and other aspects of concern within the present system were aired and discussed. Why, they were asked, are individual finds of great monetary. value inevitably found to be treasure, when hoards of common coins or objects are sometimes declared losses or votive offerings '?

Embarrassment, and no clear answer !

ix) Relationships With the NFU and the CLA were discussed, and finds agreements with landowners highlighted.

All of the other side felt that search contracts were of great importance.

x) Our delegates made the point that too much land is being scheduled. There is no way, in the foreseeable future, for even sites already scheduled to be dug before acid rain, nitrate fertilisers and building development all take their toll.

Not only that, but sites already scheduled years ago, examined, and low on priority lists [or re-examination because of the new sites waiting for examination should be de-scheduled.....and handed over to us for our expert examination.

Listened to with interest I

xi) It was suggested to N-H- that 1662 would be a more readily recognisable date [or coins than "300 years". They wanted the move ability of the 300 number.

Mister Hugh Corner, concluding the meeting, said that he had learned much from our views, would need to take advice on certain topics we had raised, and would like to come back to us in another session ..... -hopefully before the 20th November. We agreed that the meeting was in a state of adjournment that no minutes would be published before the conclusion of our business, and that both sides would observe confidentiality until that time. We also agreed that at the second session we would go through the bill clause by clause to highlight our differences and to see if there were any points upon which we could agree.

In the event, it was not possible to schedule the second session before our meeting of the 20th November. At the time of writing this, it is scheduled for Monday 28th November, and confidentiality gives way to the rights of this Council to receive a full report.

conclusions

1. These are not minutes. The>< are my notes on the content of a meeting, and I think it only fair to ask other delegates present at that meeting to add to, or detract from, my perception of events before asking for comment or questions from other delegates present today; Who were not at that meeting,

2. I have thought about the meeting in great detail since it took place, and have concluded.....If I had been only an observer at that meeting, instead of a delegate with input, I would have been extremely proud of the performance put up by my representatives. They were cool, logical, impressive and tenacious. They have nothing but my admiration, and should have your thanks for the way they fought on your behalf

John Fargher. November 1994.