

A SHARED HERITAGE
2nd Edition

NATIONAL COUNCIL FOR METAL DETECTING 1998

The detecting hobby

METAL DETECTING is an outdoor recreation of great fascination, which provides an effective form of exercise suitable for all ages. It is remarked that men and women suffering from widely different levels of physical and other disabilities are able to participate, often through the support of metal detecting clubs, which provide transport, help in the field and social activities. As a family pursuit it can involve children guided by experienced detectorists. More teachers are discovering the value of metal detecting as a history teaching aid. The experience of personally finding ancient material stimulates a deeper interest in the history of the nation.

Motivation

There is no single or clearly predominant motive that draws people to the hobby and keeps them in it. The hope of unearthing "buried treasure" is a powerful attraction for new recruits. Experienced detector users, too, may nurse hopes of "striking it rich" in money terms, with some justification: valuable detecting finds are regular enough to keep that hope alive.

Inevitably high money values make news which interests a wide public, and which represents all that most people know about the metal detecting hobby. Generally, however experienced detector users stick to the hobby without financial reward of the sort that can provide an acceptable return on labour and costs in commercial terms. But they find much that is rewarding in other senses, including the development of highly tuned skills in operating metal detectors.

Finds to treasure

The collecting and study of metal items made and used by our forebears is a cerebral activity enjoyed by thousands who may not all have found equivalent interest during early education. These detector users share a tactile experience with their ancestors through handling artefacts unearthed after hundreds, sometimes thousands, of years. The more they learn about their finds, the more varied and intense are the satisfactions and knowledge of the past to be gained from the hobby.

Each individual's idea of "treasure" - of finding something to be treasured - will vary with experience, temperament and interests. An early find of a Celtic, Roman or Saxon coin, a Tudor buckle, or an eighteenth century seal matrix (as random examples) may spark interest in a quite narrow area of collecting and study. Alternatively the hope may be to unearth something from the debris of thousands of years' metal manufacturing which illuminates history, perhaps an object which pre-dates written record by as long as 2,000 years or a trade token issued in the 17th century by a local business. For those who enjoy friendly competition and the social side of the hobby, the target may be



A seventeenth century token issued by the trader John Wright of 'Blackwater' and found at a detecting rally in Essex, March 1991. Until that time no one contradicted reference book assumptions that this token belonged to Backwater near Camberley, Surrey. But the location of this particular find switched interest to the river Black water and the village of Brad well (once called Black water) near Braintree. The token is neither rare nor valuable, but the circumstances of its discovery may contribute something new to the history of two villages.

Equipment

Search areas

simply a discovery that will be acknowledged "Find of the Month", or a worthy also-ran, by fellow searchers in competition at their detecting club.

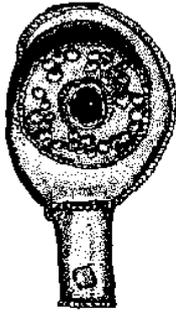
The discovered "treasure" of today may have been highly valued when it was lost or hidden hundreds of years ago: a jewelled ring or a hoard of gold or silver coins, for example. It may have been a mundane article which was beyond useful life when discarded as rubbish, but which has acquired a rarity or historic value over the centuries. Or the find might represent the unfortunate loss of an item once treasured by its owner and now by its finder, though of little value or interest to anyone else.

Excitement that does not pall for determined detector users is the promise of the unknown. The preceding 20 signals, after hours of searching, may have been from metal waste, fragments of broken farm machinery, dross or ring pulls; but the next, at least in imagination before the target sees the light of day, may be a gold posy ring, a hammered silver coin, a pilgrim's badge, a silver thimble, a gilded button, a love token, a Roman brooch, a fob seal, a Celtic coin, a Bronze Age axe head ... the imagination, and the possibilities, are almost limitless. But virtually every signal will be from a man-made item, whole or broken, mint or worn - a scrap lost, buried or discarded yesterday, or 5,000 years ago.

In accordance with the NCMD Code of Conduct, rusted iron, modern junk and material of danger to humans, farm animals or farm machinery, is removed from search areas for safe disposal

With the exception of large objects and assemblies (a horseshoe for example or a hoard of coins buried in a container) a very high percentage of signals and recoveries will come from the top six inches of soil, usually well above the undisturbed strata that interest archaeologists most. This limitation in use of even the most sophisticated hobby detection equipment is widely misunderstood and misrepresented. There are cumbersome machines, seldom seen, designed specifically to search for large objects at greater than usual depths, but they are quite inappropriate for every-day random searching and enjoyment of the hobby. They might be called into service where research has established the likely whereabouts of a specific hoard or other large buried object worth recovering or locating. More popular, much lighter, detectors are becoming increasingly sophisticated in their ability to distinguish between metals, but it is a general rule that the deeper the object the less positive the signal the more reluctant is the user to dig deeper for an ill-defined target. It is usually more rewarding and less tiring to cover a wider surface area at shallow depth.

Many detector users prefer to search ploughed land which is regularly "refreshed" as the soil is turned over and objects are brought within detection range. It is worth noting that such objects could be removed from stratified context by the plough. It is a common



*Found with a detector on a Dorset beach
iii March 1990 after a cliff fall the
Bowlaze Jewel went on display at the
British Museum alongside the Alfred Jewel
and the Minster Lovell Jewel. Only the
third artefact of this type known (assumed
to be a, aestel:*

*manuscript pointer) it is almost certainly
from the same period (9th century) and
closely related to the Alfred Jewel,
inscribed 'Alfred had me made'. One of the
most exciting finds in the history of metal
detecting in Britain, and a find unlikely to
have been recovered in any other way. The
Bowlaze Jewel is just 2.8 cm long, made of
gold sheet and gold wire with a single
glass bead as a centre decoration.*

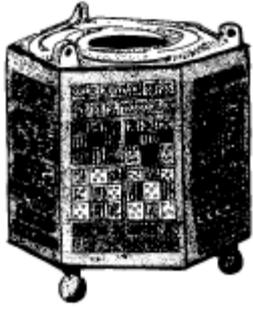
Heritage issues

Coincidence that when ancient objects could be brought within detection range by the plough this would normally occur only when the stratified layer is at an unusually shallow depth for such (9") or by the deep ploughing of sub-soil in order to assist drainage by breaking up earth ('pan') compacted by heavy farm machinery, they are exposed to a new and corrosive environment. A combination of air, acid rain and chemical fertilisers can destroy, in a year or two, coins and metal artefacts that have retained a pre-deposition.

Detector users who follow the hobby code will not trespass. They will wish to search appropriate public lands (scrub and wasteland, construction sites and general non-ornamental, recreation areas, local council-tenanted farmland and other areas where by custom minor ground disturbance of whatever nature, deriving from accepted usage, cannot reasonably be proved as being permanently injurious to the particular environment obtaining). Public lands, other territories such as beaches and river foreshores where many leisure pursuits are permitted as of custom, and private lands with permission of the landowners. Certain tracts are specifically out of bounds, and these include ancient national monuments and archaeological sites scheduled by provisions of Ancient Monuments and Archaeological Areas Act, 1979, where the law provides penalties for using a metal detector without permission from the Secretary of State for the Environment.

The detecting hobby has helped to identify many sites of such great archaeological interest that they merit the special protection which can be provided by National Monuments legislation. It fully recognises a need to preserve some sites of exceptional importance for recording, observation, and possible excavation by professionals, now or in the future. The National Council for Metal Detecting also recognises that to glean the maximum archaeological data from such sites it is sometimes necessary to suspend usual public and private access rights.

At the same time it perceives a need to resist relentless pressure to change the tolerable exception into the intolerable rule. Conservation groups, academic professionals and heritage employees, metropolitan and council authorities given special powers, and dedicated to their work, will hope to extend the privileges and authority bestowed by heritage legislation. Those most affected by exceptional powers set at a distance from democratic control have a duty to remind media and parliament of the dangers to democratic freedom, at the core of a more important 'national heritage', if a reasonable balance is not maintained. The cultural inheritance created by design and accident, by skills of craftsmen, gifts of conquerors, patronage of artists, imagination of traders, demands of customers and foresight of collectors, remains constantly under threat of



The five side panels, base and lid of this miniature work of art (38mm tall) were recovered separately before the pyxis was re-assembled. Each panel of this container- for some precious material - perfume, unguent or 'incense perhaps - is made up of thirty or so patterned glass insets in bronze. It was found in September 1990 in North-West Essex ploughed farmland by two detector users. From the same spot they unearthed gaming counters of bone and jet, the remains of a glass vessel and a lock plate with ring key in place. It seems certain that all these items came from the second- or third century grave of a wealthy citizen. The pyxis was sold at Christie's for £30,000 in August 1991, but when the British Museum showed interest in the complete collection they were able to acquire the pyxis, and the finders donated the other items which had been retained in their private collections.

take-over by those claiming specialist skills in sciences, historical research or superior aesthetic judgement. Narrow professional views of heritage management, if they are given unwarranted authority and credence, will suffocate cultural development - creative evolution which cannot be adequately managed or stimulated by academic or scientific rule - and will reduce enjoyment of their cultural inheritance by most citizens.

When considering activity on the land it can be seen there is competition between professional research, recording and preservation groups to insulate tracts of ground from public access and activity for the better pursuit of their various narrow interests, which are often incompatible. It is necessary only to compare the conflicting priorities of geologists and naturalists within the territories supposedly protected by their status as Sites of Special Scientific Interest, and then to observe how these interests might in turn conflict with archaeological priorities, to realise that it is impossible to achieve all the different yet exclusive objectives sought by each group.

It cannot be reasonable to opt for management of Britain as one vast archaeological site, or geological site, or nature reserve, or any combination of these which too much restricts other justifiable requirements to enjoy, occupy, farm, and develop the land.

A narrow definition of "the heritage" has become indispensable in the vocabulary of those who denigrate all human activities, which seem at odds with their idealistic attitudes.

Such tunnel vision in the case of some archaeology establishments has induced a campaign which consistently misrepresents the character of archaeological sites, archaeological objects and the detecting hobby in order to promote antiquities legislation of a sort which would be against the interests of private collectors and researchers and disastrously counterproductive in terms of improving historical record and recovery of material. Pronouncements by the Council for British Archaeology, for example, make frequent reference to supposed wrong doings of detector users on "archaeological sites" without making any distinction between scheduled sites, where detecting is illegal, and the rest of the country which, wherever man has trodden, is open to archaeological investigation and interpretation *and* the amateur discovery of lost, hidden or discarded coins and artefacts. In those non-scheduled areas there is much to be gained from a reasonable exchange of skills and knowledge between archaeologists, museums and the detecting hobby. A fact publicly acknowledged by government in parliament and recorded in Hansard.

Campaigns

Productive co-operation between these factions exists in many districts. In others, detector users face a Catch 22 situation where they are damned if they report interesting finds to museums or archaeologists, and damned if they do not.

In 1997 the National Council for Metal Detecting responded to the government's draft proposals for the introduction of a portable antiquities scheme. In that response the NCMD gave full support to the introduction of pilot schemes, the precursors to a nation-wide voluntary system of reporting portable antiquities for inclusion in the appropriate regional MSR.

The NCMD hopes that the final national scheme will also assist in addressing the difficulties encountered by metal detectorists where museums and establishments have refused to handle metal detected antiquities or demanded total surrender of ownership of the material in exchange for information concerning it.

Lobbying continues, if of a lesser degree than previously, for legislation to totally ban hobby metal detection at national and local authority levels. The recent increase, following the High Court decision in the Waverley case, of county councils seeking by-laws banning metal detection indicates a refusal to accept the advantages to archaeology resulting from responsible metal detection - values fully recognised by the Government.

These lobbyist's demands and county council bye-laws contradict government's aim to introduce, following the pilot schemes, a national portable antiquities reporting system. The introduction by county councils of a blanket ban on random metal detecting in appropriate areas (scrub land, rough pasture, tenanted arable land, construction sites et. al.) within their administered boundaries is contrary to the spirit of co-operation necessary for the success of the voluntary reporting scheme.

Authorities refusing responsible detectorists random search access to appropriate municipal land do not reject, indeed encourage the submission for recording of archaeological material detected on private land.

The refusal to allow a similar method of rescue within their own administrative areas, is an indefensible attitude further aggravated by statements requesting detectorists to seek permission from the private landowner to report finds to the local museum.

Such elitist attitudes might find reflection in hobby metal detectorists individually adopting a similar obstructive attitude vis a vis the voluntary reporting of (non-treasure) finds legally made on private land located within the boundaries of that councils geographical borders; material which would have been of great significance to that county's heritage - while happily fully co-operating with councils exhibiting a more enlightened attitude towards random metal detection on appropriate council areas.

The NCMD views the voluntary reporting system, as a sensible co-operative partnership, allowing archaeology establishment SMR's to take full advantage of the scholarship inherent in material uncovered by metal detectorists random searching: an overall search system physically and financially beyond the remit of present archaeological practice. Current, and undoubtedly future, financial and personnel constraints in archaeology hold out little hope of archaeology generally undertaking such a wide-ranging random method of recovery.



Gold aureus of Emperor Galba (AD68) found on roadwork's near Castleford by the trained eye of a detector user, without his detector. The coin is now in Wakefield Museum.

A simple analysis of the opportunities, facilities, man-power and time elements required to completely exhaust the potential of material and scholarship of any large archaeological site in the UK, suggests, and there is much factual evidence to support the assertion that metal detection should be seen as an essential and affective modern tool for the rapid location or recovery of metal artefacts on site, and also in affording indications to sites of connective non-metallic material. A corollary can be found in the accepted use of modern geophysical equipment in archaeological fieldwork; both methods producing information (signals/graphs) offering options for examination and excavation.

Responsible random detecting and recovery of metal material from plough soil and equivalent depths elsewhere does not invalidate either the potential of the find area, the validity of the initial archaeological information resulting from examination of the find or the integrity of the metal detecting finder. Recorded statements by some archaeologists, impugning the reputations and integrity of finders by detector of archaeological metal material does little to encourage any acceptance of a modern method of recovery. Finders of archaeological metal material by detector suggest a luddite attitude towards a modern method of recovery.

It is regrettable that some unprofessional attitudes, exhibiting a general antipathy towards all hobby metal detection, still exists. Such generalisations ignore the increasing current mutual co-operation between archaeology and the majority of metal detectorists, and obscures the distinction between the legitimate actions of responsible detector users, registered with the National Council For Metal Detecting, and criminals who breach the law to achieve illicit gain, thereby depriving the nation of heritage information

The contribution of legitimate metal detecting activity to numismatic history and museum displays of small artefacts is immense, but more often than not the method of discoveries is not acknowledged. Honourable exceptions include archaeology establishments at Norfolk and Kent, the Museum of London and Dover Museum. However, much more could be achieved by other museums recognising, by designated public display, the contribution metal detection makes to the national heritage.

*The National Council
for Metal Detecting
(NCMD)*

*Affiliations, code of
conduct, and
insurance*

NCMD, Federated Regions and Clubs

THE NATIONAL COUNCIL FOR METAL DETECTING

was formed in 1981 to promote and protect the detecting hobby. Clubs had existed before detecting became a widely popular hobby in the 1970s, but until the formation of the NCMD it was left mostly to manufacturers and dealers to represent their own and their customers' interests. In 1978 suppliers formed the Detector Information Group which successfully defended the hobby from threats of destructive legislation: at that time.

Despite these efforts it became clear that there was need for a fully independent organisation of detector users with no commercial interest in the equipment, publishing or services market which has grown with the hobby. The organisation of the National Council, Federated Regions, clubs and individual membership facilities has met the requirements for a modern cohesive administrative and disciplined structure which recognises the necessity to represent the aims and aspirations of its membership at all levels in society, national and local government and related organisations. In representing the interests of its members, particularly the legal freedom to responsibly practice the hobby, the National Council welcomes even-handed co-operation in the joint purpose of discovering, protecting and increasing knowledge of our national heritage.

A member organisation of the Central Council Of Physical Recreation, the National Council also provides its members with free comprehensive civil liability insurance, which includes public liability cover.

A published code of conduct assists its members in voluntarily effecting uniform practices concerning landowners/tenants, archaeological sites, the environment and the public at large.

Freely available to members the National Council can offer expert advice on metal detecting skills, communication with landowners, archaeology establishments and official bodies, assistance with procedures and the laws concerning metal detection. It is particularly knowledgeable in interpreting and advising on the requirements of the 1996 Treasure Act, its concomitant Code of Practice and also the voluntary reporting of portable antiquities.

Evolution of policy

Detector users belonging to clubs, federated regions or as individuals operating under the aegis of the National Council For Metal Detecting will be able to produce printed evidence of membership of such and of the insurance cover (currently £2 million); an essential protection of landowners'/tenants' interests. It is noteworthy that in seventeen years of protecting its members the National Council has not needed to make a single claim against its insurers.

In 1989 the National Council for Metal Detecting responded to the Department of Environment's Consultation Paper on portable antiquities. From that date the NCMD engaged in much correspondence and discussion with senior officers of the British Museum and senior officials of the Department of Culture, Media & Sport (earlier known as the Department of National Heritage) concerning the Earl of Perth's ill-fated Treasure bill and the following Sir Anthony Grant's Treasure Bill. A review of those events and an analysis of the negotiations to July 1996 is available from the National Council for Metal Detecting's central archive. Government spokesmen in both Houses of Parliament have publicly accepted the NCMD as a responsible metal detecting organisation, contributing greatly to knowledge of the nation's heritage.

Government spokesmen's answers to questions in the House of Lords during 1990 and later elsewhere recognised metal detecting as a legitimate hobby which rescues material that would be lost if the hobby did not exist.

Communications

The NCMD's written submission on the Department of Culture, Media and Sport's portable antiquities discussion paper accepted the viability of a voluntary reporting system, to the mutual advantage of the hobby of metal detecting and the heritage, dependent upon the successful outcome of the proposed pilot schemes.

Conflict

The National Council has found less obstruction in the discussions with national bodies, such as the British Museum and Dept. of Culture, Media and Sport, than with more localised authorities, who adopt a totalitarian approach. Such authorities, driven by district, county and municipal council antipathy, ignorance and/or local archaeological prejudice, refusing to entertain any form of compromise do not best serve the interests of their respective communities or the nation's heritage as a whole.

Caricaturing privately recovered and legally owned antiquities as "losses to the heritage" as also disinformation, by innuendo deliberately misrepresenting non-scheduled private areas of interest with sites the disturbance of which is forbidden under the Ancient Monuments Acts, might intentionally provide anti metal detection press copy but, as with much similar headline material, bear little resemblance to the truth.

Antiquities Legislation

Expressed doctrinaire interpretations, from anti-metal detecting quarters, of perceived national heritage protection, fail to address the factual, real-world consequences attendant upon their authoritarian priorities and requirements- demanded as the only basis available with which to achieve a total understanding of *our* heritage. This conceptual approach, while encompassing a laudable desire for professional perfection and achievement, very often induces a negative attitude towards modern systems available, which in many proven cases initially discover, and in others at least enhance the opportunity for discovery.

Reports of continued disastrous results, arising from the more authoritarian regimes attempts to establish complete state ownership of discovered antiquities require no further rehearsal here.

Conversely, encouragement and public recognition of the contributions made by amateur searchers, researchers and collectors would assist in forming a sound basis for a fair, voluntary sharing of information between amateurs and professionals. The Government have freely and openly acknowledged the great contribution responsible metal detection has and continues to make towards our national heritage. A further advancement towards mutual co-operation



A fifteenth century gilded silver pendant (33-mm longest dimension) found early summer 1991, with a detector, close to the site of a medieval church in Sussex. The pendant depicts the head of Christ, with the Lamb of God on reverse. Though not designed to be opened, the pendant seems to be hollow, and may be a reliquary.

Is the NCMD's acceptance of voluntary reporting pilot schemes as precursors to a wider national voluntary system;

There is little or no evidence to suggest there would be compensations to justify erosion of a greater heritage that protects private property and individual freedoms or that extending archaeological empires would be of much benefit to the nation. It is not likely such a course would improve the historical record or national collections of artefacts. On the other hand, encouragement and recognition of the contributions made by amateur searchers, researchers and collectors would be at once cost-effective, appropriate to defence of freedoms in a democratic society, and a sound basis for encouraging fair and voluntary sharing of information between the general public, dealers, collectors, academics and heritage employees.

As the original elected governing body of organized hobby metal detecting clubs the National Council for Metal Detecting recognises a need to respond to informed and uninformed, justified and unjustified, criticism of metal detecting. It aims to defend the existing legal rights of detector users and wider freedoms, and to consider whether existing rights, laws and advice concerning members' responsibilities need to be modified in any way in the interests of the hobby itself, landowners, the heritage industry, heritage professionals, the national historical record, and the public perception of the legitimate hobby.

It is believed that the hobby's detailed response to the Department of Environment consultation document in 1988 dispelled many erroneous assumptions. Since that date initiatives from both sides, leading to continuing negotiations, discussions, written submissions and a number of meetings, between the NCMD and Government bodies have produced an accepted understanding of the true value to the nation's heritage of responsible metal detection to the nation's heritage.

The replacement of the common law of treasure trove by the 1996 Treasure Act became an accomplished fact when Sir Anthony Grant's Treasure Bill, receiving the full support of both houses of parliament, became law on 24th September 1997. Prior to the Act reaching the statute book, and playing a significant role defending and initiating measures protecting the interests of metal detectorists, the NCMD refused to be drawn into a pointless intransigent stand of total rejection. The NCMD, recognising the general weight of acceptance nationally, saw no alternative to negotiated compromise and by doing so achieved much in the interests of the hobby. No less significant were the initiatives and changes, to the advantage of detectorists brought about in the concomitant Code of practice by the NCMD's representations

Policy decisions



Bronze socketed axe head of about 1000 BC.

Further involvement in the proposed voluntary reporting of portable antiquities enabled the NCMD to effect substantial contributions, in the interests of detectorists, to the pilot schemes preceding the introduction of a national system.

The NCMD makes no apology for its remit to protect and promote the detecting hobby, in particular its responsibility to examine, express and project clear statements of policy in responding to attacks on the responsible exercise of metal detection.

Finders' and landowners' title to items discovered in the ground

Use and wording of written contracts between landowners and searchers

Existing law and responses to lobby mg for new legislation

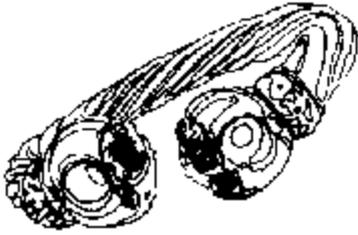
Attitudes to criminal and civil offences involving metal detecting equipment

Encouragement of voluntary co-operation and fair dealing between museums, archaeologist, detector users and landowners *Private and public recording of finds*

Recommendations that follow are believed to be:
in the interests of the detecting hobby;

- realistic objectives in keeping with a concern for the national heritage in its narrowest definition of preserving and developing historical and archaeological records;

- in accord with broader concerns to protect existing rights of property ownership and democratic freedoms.



This superb gold torque is a famous example from a hoard of Celtic gold artefacts discovered at Snettisham, Norfolk. In much more recent time a detector user uncovered more evidence of gold fabrication at Snettisham and his discovery led archaeologists to excavate a sensational hoard of gold torque's, other ornaments and coins with an estimated market value of £27 million. The detector user wanted no more than the value of his initial find which was declared treasure trove early in 1991.

Contracts

The principle

Rewards to finders

Protecting the hobby

1. The Council affirms its intention to protect existing rights of detector users to search for, and recover, lost, hidden or discarded objects of any age whilst acting in accordance with current law and, if appropriate, with the consent of the landowner or landowners. In this text the word "landowner" is taken to include "tenant" where appropriate rights have been acquired by tenancy agreements.

Finders' and landowners' title

The Council recognises that, when other owners of a discovered object are unknown, there are legal precedents favouring both the finder against the landowner, and the landowner against the finder. Disputes are often avoided by prior agreement between searcher and landowner, or resolved by subsequent agreements sometimes encouraged by the uncertainty of law and the costs of litigation.

2. The NCMD recommends the use of written agreements between landowners and searchers.

While recommending the use of contracts the Council is aware that many landowners, although willing to give permission for search, are not willing to enter into formal contracts. Therefore:

3. The NCMD recommends that some legal support is provided for the principle that, in the absence or any other agreement, an equal division of value between finder(s) and landowner(s) should be regarded as equitable.

Treasure is the only exception that negates both landowners' and finders' individual or joint claims to title of objects where original owners are unknown. Landowners should be made aware that the finder is obliged to report any discovery of treasure as defined under the 1996 Treasure Act to the coroner and that it may be declared treasure at inquest.

In which case, provided that the discovery is reported promptly and accurately, according to the 1996 Treasure Act, there is a reward to the finder equal to the market value of the object[s] or, if no museum wishes to purchase, the find itself is returned to the finder where an agreement with the landowner exists.

It is recommended that a 50% share of finder's award should be allocated to the landowner as part of the search contract.

While it is difficult, if not impossible, to ascertain market values without going to market, the principle of rewarding finders with full market value in the case of treasure declaration means there is no intention for the state to make any financial gain, or to offset the substantial costs of the treasure processes.

Enamelled bronze stud with design of
A Celtic cross, eighth century, a
Northern Ireland detector find in 1990.



Criminal and Civil offences

The detecting hobby embraces many interests but involves numbers of people clearly identified by their use of distinctive equipment. This individuality makes a broad target for those who would condemn the hobby by suggesting that the criminal activity of thieves who use detectors is a characteristic of the hobby rather than a threat to it.

4. The National Council is unequivocal in its condemnation of trespass and theft.

It supports the conclusion of the HM Treasury report of February 1988 (*Report of a Review of Ex Gratia Awards to Finders of Treasure Trove*) that "the criminal law should continue to be seen as the principal sanction in cases where there is evidence of illegal activity in relation to a find." The Council believes it is in the interests of the legitimate hobby and the heritage for legal penalties to be imposed in order to reduce, curtail or eliminate invasion, theft and damage on sites where detecting is specifically prohibited and where detectors are used by habitual law-breakers as an instrument of theft.

However, the National Council is worried by attempts to devalue ownership claims by finders of lost property, of whatever age, as a means of simplifying prosecution, or threatening to prosecute, members in possession of a detector on public or private land. There is a difficulty in reconciling a clear duty to encourage members to respect private and public property and a reluctance to support attempts to criminalise a legitimate hobby for reasons which have little to do with protecting landowners' interests.

Encouraging co-operation

5. The National Council urges all publicly funded organisations and professional academics to acknowledge and encourage the co-operation of detector users in the collection and recording of historical data.

There are many areas where the declared interests and attitudes of some heritage professionals and amateur detector users are in conflict. However, on the surface there is no obvious reason why exchanges of information cannot be improved without material disadvantage to either group. Despite competition for ownership of discovered artefacts, it might seem the detecting hobby has little to lose by submitting artefacts for examination and by supplying details of circumstances of their discovery to archaeologists, who often emphasise that they are more interested in the data supplied by recording a find than in permanent possession of the object itself.

The National Council seeks to encourage the voluntary reporting of finds, The National Council welcomes the benefits to the national heritage of such a voluntary system and finds no difficulty in recommending co-operation with the initial pilot schemes, and finds liaison officers, where such co-operation is fully reciprocated at all levels in a spirit of mutual recognition of the joint advantages.

The consensus for restricting usual freedoms by site scheduling to protect certain national monuments and archaeological sites was based on the idea of "special cases". By contrast, some heritage officials and civic councils interpret this legislation as authority for massive restriction of public rights.

6. It is abundantly clear that the threat of scheduling can discourage declaration and recording of important finds which do not fall under the 1996 Treasure Act. For this reason, and to limit erosion of liberty, the government is urged to:

Restrict scheduling of archaeological sites to areas of exceptional importance, which can be properly protected from criminal trespass;

Encourage de-scheduling of sites where recording and excavations are complete, or where, even if there is evidence of ancient activity or habitation, the repetitive nature or that evidence suggests that detailed excavation and recording would be uninformative and uneconomic.

There is another facet of attitudes which assume that the greater the level of public exclusion and academic privilege the better the nation is served. Voluntary co-operation between detector users, museums and archaeologists is too often discouraged because the detector user is met with disapproval; because reported finds are often presented as evidence of other "losses" to the heritage; and, in the worst cases,

By refusals to identify and record finds not offered for donation.

On several occasions members have informed the National Council that archaeologists who complain about finds not being reported are the same who, when interesting finds *are* reported, will contact the landowner advising him to ban detecting on his land. Such actions are regarded by detector users as irresponsible if not dishonest, and it is clear that underhand activity of this nature cannot encourage reporting or expectations of fair dealing. A further discouragement when finds are offered for recording and identification is the use of a report form carrying a disclaimer stating that a museum will accept no responsibility for items mislaid or stolen. Apart from probably being untenable in law such disclaimers do not identify with accepted standards of public responsibility and care, or add to the confidence of finders otherwise willing to report, and offer for examination, their non-'treasure' finds; which may turn out to be the 'missing link' in an SMR or of enormous academic interest to the locality where found. It will be readily understood that the combination of a civic council, unwilling to allow responsible metal detection in appropriate areas under its control, and or whose receipts for archaeological material offered for study are based on a disclaimer absolving the authority of all responsibility, would reasonably inhibit a finder's zeal towards reporting such material. It would equally not be seen as unreasonable for independent museums and other establishments, insisting upon similar one-sided disclaimers, to be denied academic information, the study of which being their *raison d'être*.

7. The National Council asks government to resist any proposals for national or local legislation which will further discourage willing co-operation by detector users with heritage institutions and authorities, both national and local, It urges government where possible to monitor the activities of heritage staff and public authorities to ensure they observe their duty to serve all members of the public without prejudice in accordance with existing law.

The National Council for Metal Detecting

Code of Conduct *

(* Please see footnote on page 2 below)

1. Do not trespass. Ask permission before venturing on to any private land.
2. Respect the Country Code. Do not leave gates open when crossing fields, and do not damage crops or frighten animals.
3. Do not leave a mess. It is perfectly simple to extract a coin or other small object buried a few inches under the ground without digging a great hole. Use a sharpened trowel or knife to cut a neat flap (do not remove the plug of earth entirely from the ground), extract the object, replace the soil and grass carefully and even you will have difficulty in finding the spot again.
4. Help to keep Britain tidy - and help yourself. Bottle tops, silver paper and tin cans are the last things you should throw away. Do yourself and the community a favour by taking the rusty iron and junk you find to the nearest litter bin.
5. If you discover any live ammunition or any lethal object such as an unexploded bomb or mine, do not touch it. Mark the site carefully and report the find to the local police and landowner.
6. Report all unusual historical finds to the landowner.
7. Familiarise yourself with the law relating to archaeological sites. Remember it is illegal for anyone to use a metal detector in a protected place unless permission has been obtained from the appropriate Secretary of State or designated Authority. A protected place is defined in the Ancient Monuments and Archaeological Areas Act 1979.
8. Acquaint yourself with the definitions of Treasure contained in the Treasure Act 1996 and its associated Code of Practice, making sure you understand your responsibilities if you find Treasure. Also acquaint yourself with the definition and practice of Treasure Trove and the special circumstances in which it will now be applied.
9. Remember that when you are out with your metal detector you are an ambassador for our hobby. Do nothing that may give it a bad name.
10. Never miss an opportunity to show and explain your detector to anyone who asks about it . Be friendly. You could pick up some useful clues to another site. If you meet another detector user, introduce yourself. You may learn much about the hobby from each other.

** This Code of Conduct has been amended to accommodate changes required by the Treasure Act 1996. The National Council for Metal Detecting also intends to initiate a review of the entire document prior to the Annual General Meeting in 1998 at which time it will be submitted for the scrutiny and approval of the membership. It is not envisaged that Clauses 1, 2, 6, 7 and 8 will be subject to further change at that time.

THE TREASURE ACT 1996

(A short description of treasure, as defined by the Act, and the legal obligations upon any person finding treasure)

The following finds are treasure under the Act (more detailed guidance is given in the Code of Practice)

1. *Objects other than coins*: any object other than a coin provided that it contains at least 10 per cent of gold or silver and is at least 300 years old when found. (Objects with gold or silver plating normally have less than 10 per cent of precious metal.)

2. *Coins*: all coins from the same find provided they are at least 300 years old when found (but if the coins contain less than 10 per cent of gold or silver there must be at least 10: there is a list of these coins in the Code of Practice).

An object or coin is part of the same find as another object or coin if it is found in the same place as, or had previously been left together with, the other object. Finds may have become scattered since they were originally deposited in the ground.

Only the following groups of coins will normally be regarded as coming from the 'same find': (a) hoards, which have been deliberately hidden; (1.) smaller groups of coins such as the contents of purses, which may have been dropped or lost and (c) votive or ritual deposits.

Single coins found on their own are not treasure and groups of coins lost one by one over a period of time (for example those found on settlement sites or on fair sites) will not normally be treasure.

3. *Associated objects*: any object, whatever it is made of; that is found in the same place as, or that had previously been together with, another object that is treasure.

4. *Objects that would have been treasure trove*: any object that would previously have been treasure trove, but does not fall within the specific categories given above. These objects have to be made substantially of gold or silver; they have to have been buried with the intention of recovery and their owner or his heirs cannot be traced.

The following types of find are not treasure:

- objects whose owners can be traced;
- unworked natural objects, including human and animal remains, even if they are found in association with treasure;
- objects from the foreshore which are not wreck.

If you are in any doubt, it will probably be safest to report your find.