

NEWS

Code of Practice for Responsible Metal Detecting 2017 revision

Issue 24 of *Digging Deep* carried a STOP PRESS heading concerning an inaccurate statement contained within the Portable Antiquities Scheme Annual Report 2016 (issued December 2017), implying that the NCMD had endorsed the revised Code of Practice for Responsible Metal Detecting.

The NCMD confirms that it has **not endorsed** the Code of Practice. There were a number of reasons for not doing so and the following article on the background to the revision of the Code and the decision making process aims to clarify the situation as to why the NCMD felt it could not endorse the revised draft at this time.

Review of the Code of Practice For Responsible Metal Detecting

The first Code of Practice for Responsible Metal Detecting was published in 2006 by the Portable Antiquities Scheme (PAS) after extensive discussions with stakeholders including the NCMD, the PAS, The Council for British Archaeology and landowner's organisations. The whole Code was issued as a voluntary document. Its purpose was to replace the various codes and guidance documents produced by a number of local and national organisations on metal detecting.

This new Code aimed to provide guidance on best practice for metal detecting. However it has become clear in recent years that the Code needs updating to take into account changes to agri-environment schemes, finds recording and to add more details of websites and contact points to cover, access, specific types of finds and situations.

The impetus for the Review of the Code came about when the British Museum (BM) carried out its own Review of the PAS and Treasure Department in 2014. This Review identified the need for the PAS to develop a strategy document for the period up to 2020. The strategy document was structured following the responses received from a questionnaire sent out to various parties such as Local Partners and stakeholders including the NCMD which make up the Portable Antiquities Advisory Group (PAAG). The resultant document entitled 'Treasuring Our Past, Portable Antiquities and Treasure Strategy: 2020' contained a number of sections each with specific goals and delivered priorities for the PAS to achieve by 2020.

Under **Section 3** to '**Promote Best Practice'** a Best Practice Working Group (BPWG) was established with the following specific aims:

- 1. Review the Code of Practice for Responsible Metal Detecting.
- 2. Suggest ways in which best practice can be better acknowledged.
- 3. Develop a protocol for the emergency excavation of archaeological finds found by members of the public.
- 4. Highlight the value of metal detecting for better understanding the archaeological value of the plough zone.
- 5. Advocate a better system for dealing with finds found on metal detecting rallies.

The NCMD is a member of the

BPWG. Work on the review of the Code began in July 2016 involving discussions between all stakeholders represented on the PAAG at a number of meetings at the British Museum.

A final draft of the Code was considered at the PAAG meeting held on the 17 October 2017 where it was also reported that a number of stakeholders had already agreed to endorse the Code. It was also made clear at this meeting by the Chair that no further amendments would be considered and the final draft was ready for endorsement by stakeholders. However at this meeting Historic England stated that they were not happy that under the Code, permissive metal detecting could take place on Registered Battlefields without it being a part of an organised and structured archaeological survey. Registered Battlefields have no statutory designation that affords legal protection to any material losses other than some physical structural remains which can be given statutory protection as Scheduled Monuments. Battlefield evidence tends to be in the form of random scatters of material often over large areas, the recovery of which is best done through the use of metal detectors.

To help overcome this objection there were suggestions at the meeting that this and other aspects of the Code over which archaeological concerns remained, could be dealt with by the subsequent issue of supplementary guidance notes. Unfortunately the official notes of this meeting are somewhat light on

CONTENTS

P1	Statement on the new Code of Practice leaflet
P3	The Robin & Karolyn Memorial Trophy Competition
P3	Diary Dates
P4	What to do when you find treasure
P8	Get in touch details
P8	Message on behalf of the PAS regarding

David Williams

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NCMD Newsletter Manager: Harry Bain Publisher: Editor, Design & Layout: Harry Bain, Searcher Publications Ltd Typesetting, Production and Repro: Tradeset Ltd Printed and Distributed by: Warners Midlands PLC, West Street, Bourne, Lincs, PE10 9PH. the detail of the discussions and the NCMD considers that they do not accurately reflect what took place. However it was clear that this objection by Historic England had thrown a 'spanner' in the works over the endorsement of the Code.

Apparently after the PAAG meeting took place and during subsequent discussions between Historic England and the PAAG Chairman Mike Heyworth, Historic England agreed that "the battlefield issue had been raised late in the day and they did not want it to disrupt moves to ratify the Code." Historic England had agreed to support the Code. However from the NCMD's point of view this issue had not been resolved and no changes had been made to the wording of the Code to address those concerns.

The NCMD Executive discussed the final draft of the Code at its meeting on the 26 November 2017.

After detailed consideration of the wording of the revised Code and a careful examination of the outstanding issues the NCMD Executive felt it would not be fair to its members if it endorsed the Code at this time. The lack of clarity over metal detecting on Registered Battlefields and how this was dealt with remains of concern.

Additionally, it was demanded by **Dr. Heyworth** as Chair of the BPWG/PAAG at the meeting on the 17 October, that endorsees take **'ownership'** of the Code. Precisely what was meant by this undefined term was never made clear and what was expected from the NCMD if it did agree to take "ownership" remains somewhat opaque.

The general pressure being applied throughout proceedings and an assumption by third parties that the NCMD would endorse the Code even before it had had the opportunity to discuss the document, made the NCMD Executive feel that the NCMD was being 'bounced' into making a decision before the Code was completed to its satisfaction.

After fuller discussions the NCMD considered that the document required further development to make it more workable and above all acceptable to the metal detecting community who would be the main users of the Code.

The NCMD is of the opinion that the metal detecting on battlefields

aspect could have been dealt with by an additional sentence within the Code pointing out the sensitive nature of battlefield remains. The NCMD whilst not dismissing the work done to develop the wording of the Code. considered that it was as vet an incomplete document which required further work on a number of aspects. It had not rejected the whole wording and considered that the draft discussed provided a basis for good practice blending together statutory requirements and voluntary statements on accepted best practice. It will continue to advise members within Section 8 of the NCMD Code of Conduct, to acquaint themselves with the Code of Practice for Responsible Metal Detecting though not as an endorsee.

The NCMD will keep the Code under review until a number of other aspects contained within the PAS Strategy 2020 have been discussed. These include:

- 1. The review of the Rally Guidance Document.
- 2. Educating Landowners (now renamed as a revision of the Landowners Leaflet issued in 2010).
- 3. The forthcoming Review of the Treasure Act Code of Practice.

The intent stated by **Dr. Heyworth** at the PAAG meeting on the 17 October 2017 that he was not prepared to accept further amendments to the Code meant that the NCMD could not seek further amendments and hence could not endorse it in its current form.

The reason for the pressure placed on the hobby representatives became clear at the Ministerial Launch of the Treasure and PAS Annual Reports which took place on the 4 December 2017. The PAS report would have been drafted and printed some time previous to the launch and probably before the PAAG meeting of the 17 October. It was regrettable that the published PAS report distributed on the day contained an erroneous statement on page 9 that the Code had been endorsed by the main metal detecting organisations though the NCMD was not identified by name.

So it became clear that an assumption without consultation had been made by both the PAS and the PAAG/BPWG Chairman that the NCMD would endorse the Code even before it had properly discussed and considered the

wording of the final draft. The reasons for the pressure placed on stakeholders to endorse the Code at previous meetings now became clearer.

It had nothing to do with ensuring the Code and its wording was acceptable and agreed by all stakeholders for the benefit of those who will use it, but it was to meet a political deadline to launch it to the media on the 4 December 2017.

By way of summary it is appreciated that for some members who enjoy the hobby of metal detecting the political dimension may be of little interest. However, it is the politics that governs how the hobby is perceived by the establishment and with it the freedoms currently enjoyed by the hobby as a recognised contributor to the history of the nation. Yet this comes with a price and there are those who seek more to restrict and control rather than encourage the recovery and recording of often vulnerable archaeological material within the plough soil.

The NCMD does not have any political affiliations or purpose. As a recognised independent representative body for metal detecting it has to evaluate many potential threat and benefits through its membership of groups such as the PAAG and BPWG. The NCMD Executive made an informed decision, despite pressures to conform, not to endorse the Code of Practice as it currently stands. If members wish to discuss any aspects of the decision making process that led to the taking of this action this can be done initially through your Regional Representatives.

OBITUARY



It is with great sadness that I have to report the passing of Pam Finch.

Pam had been ill for some time and passed away peacefully at home with her family.

Pam was the partner of Bob Baldock who, for a few years was Vice Chairman of the NCMD. She became one of the four Midlands Representatives at Council meetings following Bob's untimely death in March 2009.

Pam had been a prominent member of the Coventry Heritage Detector Society for many years and she and Bob had been instrumental in the setting up and smooth running of this very successful Midlands club. Pam leaves behind three daughters and many friends who will miss her smiling cheerful disposition even in later years when her health had seriously declined.

It will be difficult to replace Pam in the Midlands Region. Her enthusiasm and caring attitude made her a favourite among those who knew her.

Pam's funeral took place on 28 February at Coventry Crematorium. Both hers and Bob's ashes will be scattered at a beach in Lincolnshire in a private family ceremony where they had a holiday home for many years, and where they spent many happy hours together detecting.

I'm sure that all members who knew Pam will join me in wishing our sincerest condolences to her family. Our thoughts and prayers are with them at this very sad time.

Donations from the NCMD and members of the Coventry Heritage Detector Society will be made to the Warwickshire and Northamptonshire Air Ambulance Service.

John Wells

Chairman Midlands Federation of Metal Detector Clubs

2

New Appointment at Scotland's Treasure Trove Unit

Emily Freeman has been appointed as Treasure Trove Officer at the National Museum of Scotland.

Emily worked as the Headley Trust Intern/Finds Recording Assistant for the Portable Antiquities Scheme West Midlands team from December 2016 after a number of volunteering roles, including Documentation Assistant for the Staffordshire Hoard at Birmingham Museum and Art Gallery. Her Masters degree, in Museum Studies, focused on artefacts and material culture and she has always has had an interest in working with archaeological collections, particularly numismatics.

We convey our very best wishes to Emily in her new post and look forward to working with her.

Alastair Hacket

DIARY DATES

Portable Anitquities Advisory Group 8 November 2018

Best Practice Working Group – still to be confirmed.

PAS Conference 2018 – provisionally 12 October at the British Museum

The Robin & Karolyn Memorial Trophy Competition

It is never too early to discuss the next Competition!

We had some wonderful entries last year for finds from 2016, from the Regions, individual members and clubs on the Central Register.

Unfortunately we had no Hoard entries. It puzzled me as so many were found last year. We never expect to see a Hoard on the competition table and are always happy to take advantage of a good quality photograph.

Hopefully this may encourage those who may have thought a photograph would be unwelcome.

When the Competition begins running again, I look forward to once again receiving entries from all parts of the country for finds made in 2017.

Looking through last year's **Searcher** I saw many hoards, coins and artefacts that would be worthy of gaining a place on the table at the final judging in November later this year.

There will be a facility on our website for entries like last year, and for those who are not online, forms can be posted to me.

www.ncmd.co.uk

All details will follow in a later issue of *Digging Deep*.

Hilary Fagen

Competition Manager

SCOTTISH REGION



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Membership Renewal Form

SCOTTISH REGION MEMBERS 🔀

Dear Individual member

Your membership of the NCMD expires on the 31 March 2018. We hope that you have received prompt attention throughout the past year and thank you for your continued support of the hobby.

Subscription for 2018/19 for Individual members on the Central Register is £8-00.

(Please note subscription for individual members of a NCMD region may vary and individual members are advised to contact their Regional Secretary)

Renewals will be available via Credit/Debit Card or PayPal on our Website www.ncmd.co.uk From January 31

Alternatively you may wish to pay by Cheque or Postal Order please fill in form below and make Payable to NCMD

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What to do when you find Treasure First published in Issue 8 Digging Deep

For some detectorists the finding of a Treasure item can begin a process that appears long winded, bureaucratic and one seemingly peppered with pit falls and procedural complexities, but this need not be the case. Understanding what you need to do following a find, gathering the information required by the authorities and involving the right people can speed up the process and help avoid any potential problems.

What is Treasure?

Treasure finds are governed by the terms of the Treasure Act 1996 and the Treasure (Designation) Order 2002. To recap: the Act replaced the archaic and much and misinterpreted abused common law of Treasure Trove in England, Wales and Northern Ireland. The Act established the ownership of Treasure to lie with the Crown or a franchisee, the latter having a vested interest in Treasure under a previous Royal grant of franchise for Treasure Trove. The Act provided unequivocal definitions as to what would constitute Treasure and to remind you these are:

- 1. Items found after 24 September 1997 including any metallic object, other than a coin, provided that it contains at least 10% by weight of precious metal (gold or silver) and is at least 300 years old when found. If the object is of prehistoric date, up to and including the Iron Age, it will be Treasure provided any part of it is precious metal, regardless of the percentage of precious metal by weight. The intent of this definition is to capture as Treasure items such as Bronze Age penannular rings with a surface coating of gold over a base metal core.
- 2. All coins from the same find



A silver brooch, fashioned from a groat (fourpenny piece) of King Edward I. © Trustees of the British Museum.

provided they are at least 300 years old when found, but if the coins contain less than 10% of gold or silver there must be ten or more to constitute Treasure. If they contain more than 10% precious metal then there need only be two. Only the following groups of coins will normally be regarded as coming from the same find:

Hoards that have been deliberately hidden

A smaller group of coins that may have been dropped or lost, such as a purse loss.

Votive or ritual deposits such as coins deposited in a spring or water course.

- 3. Any object, whatever it is made of including ceramic or stone, that is found in the same place as, or had previously been together with, another object that is Treasure. Such items are considered to be associated material such as the pot in which a hoard has been found.
- 4. Any object that would previously have been considered as **Treasure Trove**, but does not fall within the specific categories given above. This captures objects and hoards of coins that are less than 300 years old, that are made substantially of gold or silver (50% or more), that have been deliberately hidden with the intention of recovery and whose owners or heirs are unknown.
- 5. Any group of two or more metallic objects of any composition of prehistoric date that come from the same find if found after 1 January 2003.

By way of clarification it is considered for the purposes of the Act that 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 together with, the other object. This is to cover finds that may have become scattered for example by cultivation since they were originally deposited together in the ground.

The Act also defined the procedures for reporting an item or items which the finder or third party expert advisor considered to constitute Treasure. Such material has to be reported within 14 days after discovery or after the finder has understood or been informed by a competent person that a find may be Treasure. It also introduced criminal sanction for failing to report a Treasure find and importantly the concept of fair rewards based on market value for reporting Treasure. The level of any reward is decided by a Treasure Valuation Committee using details submitted by independent valuers and experts. This was in contrast to the previous Treasure Trove system whereby rewards were not based on market value and for the first time the rights of landowners was enshrined in the Treasure Act by establishing a 50:50 division between finder and landowner of any reward paid. Under Treasure Trove the finder or finders were the only persons eligible for a reward.

Whilst the Act provided а mechanism to deal with certain restricted classes of objects, it also introduced the concept of the recording or reporting of non Treasure definition archaeological finds through the Portable Antiquities Scheme (PAS). This was established as a voluntary process and continues to operate as such with recording carried out by a network of Finds Liaison Officers based in Museums and County Archaeological Departments in England and Wales. Findspots are recorded to the level of accuracy that the recorder and landowner feels comfortable with unless there is a mandatory reporting policy operating, for example under the terms set by an agri-environment agreement. This may mean as little as a Parish or up to 10 figure National Grid Reference when using a Geographical Positioning System. However, for Treasure finds disclosure of the exact findspot and other relevant information is mandatory.

So you have found an item which is or might be Treasure, but what do you have to do to satisfy the requirements of the law in the form of the Treasure Act?

The first requirement is to contact the landowner and/or tenant to let them know what you have found and the process which must now be followed to satisfy the terms of the Act. If your find is made at a rally or club event you will need to inform the organisers and obtain details of the relevant landowner/ tenant from them. Remember you have a 14 day period in which to report your find and in that time you can show your find to friends and family, the landowner or club members, take photographs and if you wish gather details from dealers or relevant experts of its potential value should it be claimed as Treasure.

It is important to ensure that you have good quality photographs of your find because if it is claimed as Treasure you are unlikely to have any further opportunity to take photographs. However photos are available on request from the Treasure Team at the British Museum at no cost; these can also be used in magazine articles provided that the proper acknowledgement is given (© Trustees of the British Museum). The relevant purchasing museum for any Treasure find will also hold the copyright to any photographs they have taken and could make a charge if you wish to acquire photographs from them. By taking your own photographs you will be the copyright holder and able to use them in for example magazine articles.



Three bronze axeheads of Middle Bronze Age date. © Trustees of the British Museum.

Once a find is claimed as potential Treasure it will go through an examination process to establish details of its age, composition and so on and a report will be produced by the relevant experts usually at the British Museum. This information is needed by the Coroner to establish at inquest whether the find is Treasure and as such the property of the Crown. If a museum has expressed an interest in acquiring a find it will proceed to inquest, if not the find will be disclaimed at this point and returned to finder/landowner. Once the find has been declared Treasure by the Coroner it will proceed to be valued by the TVC where an agreed reward value will be set. If the interested museum withdraws at this stage and no further interest is forthcoming the find will go through a disclaiming procedure whereby the Crown declines to lay claim to the find and it can be returned to the finder and landowner.

It is wise whilst you still retain vour Treasure item to obtain independent valuations should you be unhappy with the TVC valuation and wish to submit a challenge. After a find has been handed over, if you wish to seek a private valuation the find will have to normally be viewed at the British Museum. However you will need to choose who to approach to prepare a private valuation with care. A prospective valuer will need to have the required level of knowledge of the coins or artefacts you have found and be able to provide comprehensive evidence to support any value or opinion they may give. There is no advantage in asking other club members for an opinion or the man in the pub as any value on this basis is highly unlikely to carry much weight with the TVC. Many auction houses will undertake this service as will independent dealers, but they may levy a reasonable charge for the service. It is up to you to decide if you wish to spend money to have independent valuations which may prove to be worthwhile if you wish to challenge a future TVC valuation. You may also wish to inform the local Finds Liaison Officer (FLO)

as soon as you can after you have reported your find to the coroner in order to allow any potential archaeological investigation of the findspot with the landowner's permission. For example a find consisting of material still in situ such as a pot containing a coin hoard, can vield much information with respect to its final burial composition and where and how it came to be buried. There is nothing to be gained from digging out the hoard other than to invite critical comment from those with an agenda to attack the hobby and the Treasure process. A finder will not be disadvantaged with respect to any reward by leaving a find in situ for professional archaeologists to excavate. If you feel that the find spot is under threat from unauthorised access make this known to the landowner and the FLO and ensure steps are taken to protect the site.

You will also need to make it clear to the FLO and any other third parties involved in the process of any wish for your name, that of the landowner or the findspot area to remain confidential. At this stage the FLO may wish to claim the find and there have been several



reports of items being seized from finders as Treasure before the 14 day time limit expires. Under current legislation an FLO cannot do this without your consent within the 14 day time limit. If this occurs you need to remind the FLO of the 14 day time limit and that under the terms of the Treasure Act, it is your responsibility to report the item directly to the Coroner.

Although most finders of Treasure are quite happy to report their find directly to their local FLO who will inform the Coroner on their behalf, the Treasure Act clearly states under Section 8 "that a person who finds an object which he believes or has reasonable grounds for believing is treasure must notify the coroner for the district in which the object was found before the end of the notice period, which is 14 days". In this process the FLO or anyone else is merely a third party and the responsibility for obeying the law is yours. It is regrettable that FLO's have seemingly placed themselves in a position whereby finders are being misled into believing that the FLO acts as the reporting point for Treasure finds under the Act. This is incorrect: the responsibility is yours as the finder to report your find directly to the coroner for the district. The FLO will be happy to advise you on the Treasure process and will certainly be able to provide you with the contact details of the coroner for the district where your find was made. Reporting to the coroner can be done either in person, by telephone or email. In most cases your enquiry will be dealt with by the coroner's officer who is often an appointed police officer. Depending upon the individual district requirements details may be taken over the phone or you will be sent relevant forms to complete.



Incomplete penannular gold ring, made of gold sheet surrounding a core of an unknown material. © Trustees of the British Museum.



Four coin clippings of Elizabeth I, from her first issue. Most probably from four separate shillings. Trustees of the British Museum.

There have been reports of coroner's officers or administrative staff telling finders who telephone to report a potential Treasure find to report it to the local FLO. If you are faced with this problem then make a note of the conversation and where possible take the person's name and inform them that you will report the find to the FLO as the coroner's agent. However it is hoped that the introduction of new legal provisions for the reporting of Treasure directly to the local FLO or person designated by the coroner contained within the Coroners and Justice Act 2009 may be forthcoming.

What if you are approached by the media for comment?

Treasure finds inevitably attract the attention of the media and by now most detectorists will be very much aware of the horror stories that appear in the national newspapers with regrettable frequency. Sad to say this is a fact of life and despite their promises reporters rarely print the story you expect. What you say on camera, on the telephone or face to face will inevitably be given the 'media treatment'. The result is often a disaster for the detectorist and the old adage of "never let the truth get in the way of a good story" will ring very true. Reporters often look to sell their story to media organisations and your narrative is unlikely to be sufficiently controversial to make a hard pressed Editor consider it unless it is 'sexed up' as they like to say. Half truths, innuendo and downright lies from expert commentators will be the norm and after the event no matter how hard you try to seek redress the damage has been done.

The media enquiries will often be quickly followed by a seedy band of commentators hell bent on using your experience to further their own agendas to damage the hobby, the Treasure process and detecting in general. Bigger finds such as the Staffordshire Hoard will attract the greatest crowd and despite all the best intentions of the involved parties this example turned very sour as the press played one against another to get a story. Many who have been on the receiving end of the problems that inevitably arise will advise you to stay well clear of the media, but it will be your choice (and that of the landowner) whether to come into the publicity spotlight and join the media circus.

Unless you are a veteran of the Treasure process read on

In the final analysis much of the Treasure reporting process relies on common sense and the adherence to the terms and conditions laid down in the Act. However, until that piece of Treasure does actually turn up, many finders remain unaware of their obligations and are misled by hearsay or half remembered comment from others. The NCMD has the expertise and knowledge to advise in all Treasure situations and as NCMD members all you need to do is ask using the contact details printed in the hobby press or in any issue of **Digging Deep**. Good luck!



Two Medieval silver groats of Henry VI (1422-1461), minted at Calais, 1422-30. Found together. © Trustees of the British Museum.

6

Membership Renewal Form

MEMBER OF SARA

Dear Individual member

Your membership of the NCMD expires on the 31 March 2018. We hope that you have received prompt attention throughout the past year and thank you for your continued support of the hobby.

Subscription for 2018/19 for Individual members on the Central Register is £8-00.

(Please note subscription for individual members of a NCMD region may vary and individual members are advised to contact their Regional Secretary)

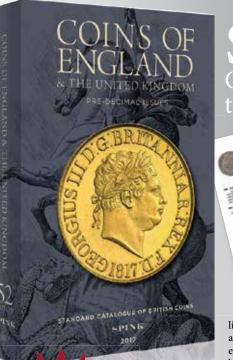
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Message on behalf of the PAS

You may be aware of the sad and sudden passing of David Williams at the end of last year. David was the PAS FLO both for Surrey and East Berkshire and his records show that some of the finds he was processing before he died are ones which you had lodged with him for recording. David's two FLO roles were administered by Surrey County Council (SCC), and they are working closely with PAS officials on this issue.

As it has not been possible to access your personal contact details, NCMD have kindly offered to help where they can in contacting individuals who have Membership with them - hence this message via their Membership Secretary.

This message is to let you know where matters stand in respect of those finds and sets out the way forward for their collection.

First and foremost all finds are securely held by SCC. Work is in hand to establish how far into the recording process your particular finds have progressed. Some finds have been fully processed and others are only at the preliminary stage of recording.

Thus:

• If your finds have been fully

processed they will shortly be available for collection from SCC.

- If your finds have not been fully processed, and you are happy for them to do so, SCC will retain them for later processing by the PAS, following the appointment of a new FLO for your area. This may take some weeks.
- If your finds have not been fully processed, but if you wish, they can be made available for collection from SCC shortly

As a first step please would you contact SCC so that (i) they can let you know the status of your finds and (ii) you can let them know any preference you may have about collection. They will then agree a collection procedure with you, or log the finds for further retention while they are fully processed by a new FLO.

Contact in the Surrey Heritage Conservation Team are:

Mr Tony Howe, Team Manager.

Mr Nick Truckle, Archaeological Officer.

Please contact heritage consultations@surreycc.gov.uk in the first instance.

Thank you for your patience in this difficult matter.

GET IN TOUCH

For membership enquiries contact the Membership Secretary: **John Rigby** 6 Arkholme Avenue, Blackpool, Lancs, FY1 6QJ Tel: 01253 692313 jjrigby@sky.com **For all other enquiries please email NCMD@Glemsford.net**

YOU MUST UPDATE YOUR DETAILS

To be an NCMD member you have to have an NCMD card that also gives you insurance. Incorrect addresses, where you haven't let us know, will make your card and your insurance invalid. Additionally you will not receive your copy of *Digging Deep* either.

Please let your club/region know any change of address or contact the Membership Secretary as soon as possible.

NCMD Membership Secretary: John Rigby - 01253 692313 or jjrigby@sky.com

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