

Robin and Karolyn Hatt Memorial Trophy Competition – 2009

This year's Competition continued the tradition of making the decision of what to vote for, extremely difficult. All Coin, Artefact and Hoard entries found during 2009, were of such high quality.

Once again the NCMD Forum was represented with an entry. This was in the Artefact section. Taking the opportunity of this voting facility, ensures clubs on the Central Register and Individual members have the means of voting for their entries, with winners going forward to the final. Every member is included in this prestigious Competition.

The winning Coin is a Saxon gold Tremissis, found by Jean Orme of the Yorkshire Region. The winning Artefact – a magnificent jewelled gold ring brooch, turned up by Mike Evans of the Midland Region,

and in the Hoard Section, the Staffordshire Hoard triumphed.

Most of the entries are now in museums, which clearly shows the great and continuing contribution we make to this country's heritage, and knowledge of things past.

I look forward to next year's Competition with great anticipation and a complete list of winners will be in the next edition of *The Searcher*.

Hilary Fagen
Competition Manager

Hoard Category	Finder	Region
1st: The Staffordshire Hoard	Terry Herbert	Midland
Coin Category		
1st: Saxon gold tremissis	Jean Orme	Yorkshire
Artefact Category		
1st: Medieval gold jewelled ring brooch	Mike Evans	Midland



Hilary Fagen presenting Trevor Austin on behalf of Jean Orme



Coin of the Year: Saxon gold tremissis – Jean Orme – Yorkshire



Artefact of the Year: Medieval gold jewelled ring brooch, Mike Evans



Hoard of the Year: Staffordshire Hoard by Terry Herbert

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BM to manage the PAS and Funding Announcement

On November 23 Culture Minister Ed Vaizey confirmed that the Portable Antiquities Scheme (PAS) will be managed directly by the British Museum from April 2011.

Neil MacGregor, director of the British Museum, said:

'Following a tough Spending Review settlement we will wish to maintain the integrity of the Portable Antiquities Scheme as much as we can. Bringing both the PAS and the administration of the Treasure Act together under the management of the British Museum will ensure an effective and efficient mechanism for dealing with archaeological finds made by the public, which also compliments the work of curators, conservators and others at the museum.'

Funding for the PAS, which is currently managed by the Museums, Libraries and Archives Council, (MLA) has been agreed by the Department for Culture, Media and Sport with a reduction of 15% in real terms over four years.

Ed Vaizey said:

"The Portable Antiquities Scheme has been crucial in ensuring the most important archaeological finds discovered by members of the public are recorded, to advance knowledge and so the past can be enjoyed by all. Under the stewardship of the British Museum, the PAS will remain a central and successful part of British archaeology".

This announcement coincides with the launch of the Treasure

Annual Report 2008, which shows that a further 806 Treasure cases have been reported that year, bringing the total number of cases to 6429 since 1997, when the Act came into force. Fundamental to the success of the Treasure Act is the PAS and its network of Finds Liaison Officers, who work closely with finders, advising them of their legal obligations and helping them report finds. To date 659,000 finds have been recorded by the PAS, including 84,891 in the last 12 months - transforming our knowledge of the past.

Important finds featured in the Treasure Annual Report, and which were on display at its launch, included a Bronze Age gold bracelet from Castleberg, County Tyrone, and a 17th



© PAS

century silverware hoard from Nether Stowey, Somerset – perhaps hidden during the English Civil War. Also on display was the Frome Hoard, a 16th century lead-alloy toy coach from London, and 80 \$20 gold coins from Hackney, London.

The future of the Portable Antiquities Scheme



Roger Bland head of PAS

The BM has agreed with DCMS to take responsibility for the governance and management of PAS with effect from 1 April 2012. DCMS is providing ring-fenced funding (from the Renaissance budget), which will be cut by 15% in real terms, from £1.412m in 2010-11 to £1.323m in 2014-15. This is the same reduction that the national museums and the Renaissance have received.

The British Museum's priority in taking the Scheme forward is to

preserve the front line services provided by the current network of Finds Liaison Officers as far as possible and the following measures will be necessary:

- To cease printing the Portable Antiquities & Treasure Annual Report. One final combined Portable Antiquities & Treasure Annual Report will be published in spring 2011 and thereafter short Treasure Annual Reports will be printed. The PAS website, www.finds.org.uk will contain new pages giving access to details of all Treasure finds from a particular year;
- To reduce the current contribution made by the Scheme to PAS in Wales, the total costs of which is £75K pa, from £59K this year to £6K from 2012. This is on the basis that these costs should be borne by the Welsh Assembly Government, through CyMAL or

the National Museum Wales;

- To offer the partners that currently employ the 38 Finds Liaison Officers and 5 National Finds Advisers contracts based on this year's staff and travel costs, frozen for four years, and to make savings of £40K pa in the non-staff and travel elements of these grants;
- The remaining staff will be unaffected: the central unit and the National Finds Advisers. In a separate agreement, the DCMS has renewed the funding for the Treasure team which is also based in the British Museum.

The Museum hopes that the 33 partners which employ staff in the Scheme will be able to renew the contracts on this basis. We will work with the National Museum Wales in order to make the case for the continued funding of PAS in Wales.

There were no easy ways to

reduce the funding for the Scheme since 92% of it is used for staff costs, but we hope that these measures will enable us to continue to focus on the main aim of PAS to record archaeological objects found by the public.

Roger Bland

Head of Portable Antiquities & Treasure, British Museum

24 November 2011

And as an extra message to all our members Roger has asked me to add the following:

I'd like to put on record our thanks for NCMD's support for the PAS and add that, although we'll have to make some adjustments to deal with this cut, we think that having certainty of funding for four years is very important as is being linked with an organisation - the BM - that has always been a firm supporter of PAS. I hope we can go forward together.

Attending the AGM of the CCPR

On 15 July the AGM of the CCPR took place in London at St James's Palace, and myself Baz Morgan, along with fellow delegate and Midlands representative Brian Pollard had the pleasure of attending on behalf of the hobby and the NCMD.

As this was the first time Brian had attended it was a pleasure to be able to introduce him to some of the contacts and staff that I have met over the years.

On arrival at St James's Palace; I knew it was going to be a good day as Brian had a grin that would do a lottery winner proud and after the security checks and greetings from the staff and Met' coppers, we started the long walk down the hallways of fame. Heads swinging from side to side taking in the array of paintings, swords, rifles, pistols, chest plates which were all nailed very hard to the walls.

We enjoyed the customary welcome drinks (little finger pointing upwards), then proceeded to take a place ready for the rush for the best seats. The signal was given to be upstanding and our new President the Earl of Wessex entered along with the 'top bods' of the CCPR.

Edward made a fine welcoming speech and stated on more than one occasion that he hoped he could follow the aims set out in the past by his father.

When the presentations were over we made our way into the Big Hall for the posh nosh and drinks! This was the time for contact with fellow delegates from all sporting and outdoor pursuits, it also provided the opportunity to be introduced to the Earl himself.

I was 'well chuffed' when he offered his hand first and addressed me by my first name (I thought; "aye up, has his dad said

summert abart me?") Then I realized he was reading my name tag. He asked us both about the hobby, it's following and the Staffordshire Hoard and seemed very interested, but didn't offer us any land on his estates though! (Next time maybe!)

It was soon time to say cheerio again for another year. Made a few

more contacts and converts. So on behalf of Brian and myself, I'd like to say thank you for allowing us to represent you at such an auspicious occasion. Oh I nearly forgot...as from the Autumn the new name for the CCPR will be: Sports and Recreation Alliance.

Yours In Detecting
Baz Morgan



Our Meeting with Dr Roger Bland:

Head of the Department of Portable Antiquities and Treasure.

The NCMD cordially invited Dr Roger Bland to its management meeting in Northampton on Saturday 13 November. The informal meeting covered; The future of the Portable Antiquities Scheme, the repercussions of the recently announced spending

review, the Coroners and Justice Bill and the review of the Treasure Act Code of Practice. These were just a few of the wide ranging subjects that were discussed in a meeting which lasted near three hours.

Present at the meeting were

NCMD President John Wells, General Secretary Trevor Austin and Vice Chairman Byron Tosh. Chairman Steve Critchley gave apologies due to family commitments.

Although many decisions are still to be made as a result of the

spending review the NCMD executive thought the meeting to be mutually beneficial and a further meeting is being planned for the New Year.

Trevor Austin



May Sinclair, consultant to the Coin Department at Spink & Son Limited, one of London's leading coin dealers and a well respected member of the Treasure Valuation Committee (TVC); has completed her term of office.

May was appointed to the TVC in 2001 and was reappointed for a second term in 2006. I know May is sorry to be leaving, however members of the TVC are limited to a maximum of ten years and it is unfortunate that there is currently no mechanism for extending this period for any member of the committee should their expertise be of significant value or where a

replacement is either unavailable or less qualified.

May's in-depth knowledge of coins and in particular medieval and post medieval coinage will be greatly missed and I have enjoyed working with her tremendously.

However, the DCMS has now confirmed the appointment of Dr David Dykes to the role with expertise in Medieval coins. Dr Dykes is formerly the head of the National Museum of Wales and currently serves on the board of the British Numismatic Society. He has been appointed for a four year term, to last until 17 October 2014.

Trevor Austin

Detecting on Church-owned land

Continuing our look at places to detect and the problems that can arise, a recent event, which I will outline later, has prompted me to explain the legalities concerning the searching and ownership of finds from land owned by the Church of England (CofE). For our purposes land owned by the CofE will normally fall into one of two categories, 'Consecrated' and 'Non-consecrated' ground. So firstly let us define the difference between the two and how the designation of consecrated ground is attributed.

Although Consecration may be attributed to buildings, fonts, vessels, persons or places, we will concern ourselves with the Consecration of a place or area. Generally Consecration is the act of separating a place or area from the common to a sacred use, or by which an area is dedicated to the service or worship of god; either by service, rites or ceremony.

Consecrated ground is subject to the ancient system of faculty jurisdiction. In ecclesiastical law a faculty is a permit to effect alterations to a church, its contents or to a churchyard or any consecrated area within a cemetery. In medieval times faculties were granted by the bishop, however these days this is usually granted by the Ecclesiastical Court or by an Arch Deacon.

There is also the act of deconsecration, which would

return a formerly consecrated place to secular purpose, this would usually take place if the church is to be demolished or sold. The deconsecration of a churchyard once its ability to accept further burials has been exhausted may be sought under the burials act 1853.

Non-consecrated ground, for our purposes, is any other land owned by the CofE; this may be used for agricultural purposes or activities other than ceremony or burial.

So how does this all fit in with the Treasure Act and obtaining permission to search? The Treasure Act Code of Practice, has within its pages a seldom read clause, section C II (vi) Objects found on consecrated ground; The Government has given a commitment to the Church of England that it will bring forward an order under section 2 of the Act exempting objects found in association with human burials in a consecrated place and objects (except for treasure trove) covered by the Church of England's own legal systems of controls. The Church has indicated that all the objects will be dealt with under the ecclesiastical law in a manner that is analogous to that under the Act.

The Government agreed to do this on the basis that the CofE is in a unique position in having its own legal régime applying to moveable articles that belong to it and the purpose of the order is essentially

to provide a clarification of the law in so far as it applies to such objects. Its scope will be limited to the CofE and it is not expected that such cases will arise very often.

This clause has lain in the Code of Practice for a number of years, and it is hoped that a form of words, agreed with the CofE will be incorporated into forthcoming review of the Code of Practice sometime in 2012.

Normally such agreements only apply to franchisees such as the Duchy of Lancaster, Duchy of Cornwall, Corporation of London and City of Bristol and although not strictly a franchise, it is hoped it will operate in a similar manner.

What this will mean in practice is

that any Treasure found on consecrated ground, could be dealt with by the Churches own legal regime, after the Crown's interest has been disclaimed, and any reward could in theory be claimed by the Church in its entirety; although it must be said that the Duchy of Lancaster, Cornwall and the Corporation of London and City of Bristol have agreed that they will pay rewards for finds of treasure from their franchises in the normal way. Whether the CofE agrees a similar operating procedure is as yet unclear.

The NCMD would not however recommend searching on consecrated ground, quite apart



from the fact that permission to do so would not normally be given; there are the moral and ethical issues to be considered. It may also be considered to be grave robbing and as such subject searchers to criminal sanction.

Non-consecrated ground, which is owned by the CofE is a different matter, and as the amount of property owned by the church is large (some 120,000 acres in rural areas alone) there will be areas, mostly cultivated, which would appeal to detector users.

As an example let us look at one of my own sites. You will see from the photographs there is a corner of the field with a circular enclosure of trees and heavy undergrowth. The images show a now overgrown churchyard, the Church of St Peters and its parish, now lost. The church has long since been demolished, described as ruinous in 1743. The burial ground was enclosed in 1833 and remained in use until the early 20th century; there are still four standing headstones in the undergrowth. I have therefore not

detected this area, although no longer consecrated ground the presence of standing headstones means that a measure of respect needs to be afforded to the site.

So, how does one stand with finds made on non-consecrated ground?

Well to begin with, as with all land, permission must be sought before venturing on to this land. This would normally mean approaching either to the tenant farmer or the Church commissioners and as with any non treasure find, the landowner may have greater legal title to ownership of such finds, it would therefore be advisable to enter into a **Search Agreement**, a model of which can be downloaded from our website.

Treasure finds however, found on non-consecrated ground would be the property of the Crown and as such be subject to the usual inquest and valuation by the TVC; providing that the finder had permission to search and in the absence of any agreement to the contrary, any reward will be shared equally between the finder/finders and landowner.

As I mentioned earlier, I had been prompted by a recent treasure find made by one of our members, on non-consecrated ground. The finder had permission to search from the tenant farmer and he subsequently reported his find in accordance with the Treasure Act. At the later Inquest a representative of the CofE informed the coroner that the Church would be claiming the full amount of any reward, **a statement totally without any legal foundation.** There is no provision in the Treasure Act for such a procedure and moreover, after consideration of all relevant evidence, it is for the TVC to decide how any reward is disbursed, not the Coroner.

It also appears that the CofE has in place a rigid prohibition on the use of metal detectors on consecrated ground. As discussed earlier this was put in place for reasons other than the mere ownership of the land. However in a recent (and yet to be screened Time Team program), this policy includes the use of metal detectors as a part of

any archaeological excavation of evaluation. It was reported that whilst permission had been given by the Church for archaeological evaluation trenches to be dug into consecrated ground as a part of the program theme, neither the spoil nor the trenches themselves could be scanned using a detector as in normal good archaeological practice. This policy was apparently inflexible and so it is likely that useful archaeological evidence in the form of small metal finds was removed from a stratified context without record.

Those members who have helped on past Time Team excavations will be aware that any use of detectors is done so in a supervised context. It was interesting to note that the archaeologists were equally restricted in that no spoil could be removed to outside the area of consecrated ground, but how this affected ceramic, building debris and other material removed for identification and recording remains unclear.

Trevor Austin

Detecting on the Beach

At this time of year many people; either because land becomes unavailable or as a change from inland detecting, take to the beach. It is therefore worth reminding members about their beach permit.

In Issue 3 I wrote about obtaining the permit, which is available **free of charge** from The Crown Estate. The permit lasts for one year and renewal can be easily overlooked. You can update your permit using the link on the NCMD website, or by phoning Iain Mills on 020 7851 5267. Please remember that the permit should be used in conjunction with the maps supplied by The Crown Estate

showing the UK beaches under their control.

Detecting Overseas

Recent events (whereby a detector user was detained for detecting on a beach in Crete) has prompted me to remind members that the laws on metal detecting differs from the UK in most foreign countries. It is important to remember that if members are planning to detect abroad and to avoid similar occurrence, to check with the Consul for the country of destination. **The NCMD also has information on laws on metal detecting outside the UK on its website.**

Trevor Austin



Sue Austin on the beach at Tenby, Pembrokeshire, S W Wales

MEETING DATES

The Next NCMD Executive meeting will be on the 20 February 2011

The Next Treasure Valuation Meeting will be on the 13 January 2011

The Next Portable antiquities Advisory Board meeting will be on the 10 February 2011

GET IN TOUCH

For membership enquiries contact the Membership Secretary: **John Rigby**
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Review of the Treasure Act Code of Practice – Part 2



Continuing our look at the Treasure Act Code of Practice Review, we will look at the new proposals under Section 8 of the current Code which imposes a duty to report all items which finders believe or have reason grounds to believe that the item may be treasure within a period of 14 days (subject to a separate proposal we will look at later).

However there are no impositions on acquirers of treasure which may be unreported. Such items may be acquired by dealers or sold on E-Bay and it is this illicit sale of potential treasure items that the proposal is aimed at.

While the proposal may seem not to affect legitimate detector users, there have been some concerns raised, and it was with these concerns in mind that the NCMD asked Professor Norman Palmer, a barrister who is an expert in Antiquities Law and Chairman of the TVC to attend the NCMD Executive meeting (reported in the last issue) to clarify how the proposal would work in practice.

Professor Palmer has kindly given permission to reprint his article on the subject, which previously appeared in the Institute of Art and Law (IAL) quarterly journal *Art Antiquity and Law*, July 2010. Details of the IAL can be found on their website at <http://www.ial.uk.com/>

Acquiring property in treasure and the duty to notify: The Coroners and Justice Act 2009 and the New Criminal Offence By Norman Palmer*

The background problem stated that there are numerous barriers to the successful prosecution of those who deal irresponsibly in excavated antiquities. One hindrance is the burden on the Crown in given cases to prove the place and time of the excavation. Matters that the prosecutor may be required to prove in order to obtain a conviction for (say) the theft or handling of an unlawfully removed antiquity include the national origin of the contested object, the time of its removal from that national location, and the national system of law in force at the time of removal.

Unmeritorious defendants may benefit from this evidential regime. Where indifference or want of scruple as to the recent history of an unassigned object has led the acquirer to avoid asking questions about its recent origin and movement, the acquirer can (in response to a later allegation that the object was unlawfully excavated) properly demand proof of the specific country of excavation and of the law in force in the country at that time. Unless the prosecutor can prove that the object was excavated within its alleged country of origin after the relevant national ownership statute came into force the acquirer will probably escape. A prosecutor who cannot adduce watertight evidence that an object was ever present in any particular foreign country may be obliged to abandon proceedings despite the fact that the object has no modern archaeological biography, possesses outstanding archaeological value and was obviously looted from somewhere. The loss of provenance for such objects does irreparable damage to archaeology and to ordinary people's understanding of the past.

Of course, this does not mean that defences based on the location and timing of an excavation necessarily lack merit. A person may have good reason for having acquired an object without history and for taking refuge in the venerable tenet of the common law that the prosecution must prove each element of the alleged offence.⁽¹⁾ It is hard not to feel sympathy, for example, for the unsuspecting inheritor of an orphaned antiquity, or for the liquidator of an insolvent dealer whose trading practices fell short of the scrupulous.

One of the several grounds on which the Iraq (United Nations Sanctions) Order 2003 attracted criticism was its perceived departure from the normal canons of proof. It places the burden of negating the relevant state of mind on the defendant, who would be answerable unless he could show that he neither knew nor had reason to suppose that the object was an illegally removed Iraqi cultural object. Arriving so soon after the Dealing in Cultural Objects (Offences) Act 2003, which had adopted the contrary policy, the Iraq Order occasioned some surprise.

The fact remains that in cases of uncertain origin the traditional burden of proof can confer a disproportionate advantage on a cynical or ethically callous acquirer, who has manifested no concern for the true origin of the object or the propriety of its removal. Such a person, having shunned all inquiry when acquiring the object, may when challenged put forward alternative possibilities as to the time or place of its excavation without being obliged to prove any of them. A mere absence of evidence that the excavation would have been lawful under any of these alternative scenarios will not necessarily result in conviction.

Where guilt depends on positive proof of the defendant's specific and subjective knowledge of some event in the history of the object (such as the fact of its having been stolen) it may thus become impossible to proceed against a 'passive-aggressive' defendant who can offer no evidence of a clear and reputable recent history for the object, who performed no diligent inquiry into its ownership history when entering into possession, and who cannot show that he or she acquired or dealt in the object in conformity with whatever was the applicable law. Indeed a defendant may escape conviction despite having been palpably aware, at every stage of the acquisition, that the object could not in modern times have been removed lawfully from any country in the world.

Such permissiveness hardly conduces to the exclusion of unlawfully removed objects from the reputable market. On the contrary, it may give the acquirer a positive incentive to forego any original inquiry into the source of the object. It might also encourage an acquirer to allow any inconvenient original evidence that does cast light on the circumstances of the acquisition to moulder into obscurity with the passage of time.

A similar inhibition to that fettering the prosecutor in a criminal case might hinder the private law claimant who seeks, in a common law jurisdiction, to bring a claim in conversion. To qualify as a claimant in conversion one must prove either the possession of, or the immediate right to possess, the chattel at the time of the alleged wrong. A claimant who had already lost possession at the time of the particular defendant's alleged wrong (such as a refusal to return on demand) must therefore prove the immediate right of possession. Because of this requirement, the mere ability of a claimant State to prove a conspicuous lack of credible modern lineage for a recently excavated antiquity may be insufficient by itself to sustain the claim. The claim might be rebuffed by evidence from the defendant that the claimant is only one of several possible countries of modern origin.

Collectors who could adduce only the flimsiest positive evidence to justify their acquisitions might take a purely defensive or 'stone wall' position, challenging claimants or prosecutors to demonstrate affirmatively the particular country from which, and the particular time at which, the object was unlawfully removed.⁽²⁾ Such a stance might actually profit from the acquirer's own lack of diligence.

The resultant immunity on the part of those who transact in imperfectly chronicled antiquities has for some time sat uneasily alongside the

1. Including (for example) in a prosecution for handling stolen goods that the accused knew or believed that the goods were stolen. But the burden may be reversed where a particular ingredient of an offence is peculiarly within the knowledge of the accused: see the discussion of the Iraq (United Nations Sanctions) Order 2003 by Kevin Chamberlain in 'The Iraq (United Nations Sanctions) Order 2003 – Is it Human Rights Compatible?' (2003) VIII *Art Antiquity and Law* 357 at p. 360 et seq.

2. Such a result might occur where, for example, a challenged collector exhibits some open general export permit, purporting to authorise the export of numerous unspecified items described only generically and purporting to be issued by a country noted for its lax export controls, as authorising the object's removal.

general mood of antipathy towards tenebrous and opaque transactions in cultural goods. Private law has certainly moved a long way within the past half-decade towards improving the prospects for restitution of unlawfully removed cultural objects⁽³⁾ and towards obliging persons dealing in such objects to take at least some measures to assure themselves of their legitimacy.⁽⁴⁾ But even in private law the evidential problems remain, and civil action is prohibitively expensive. Moreover there remains the stubborn prospect that may be no identifiable claimant, as where more than one country is the possible source of an antiquity but no country is sufficiently confident of being able to prove that it is the land of origin as to bring proceedings. Private claims are therefore no substitute for adequate criminal provision.

Criminal law on the other hand, despite creative innovations like the sections 327 to 340 of the Proceeds of Crime Act 2002, the Dealing in Cultural Objects (Offences) Act 2003 and the Iraq (United Nations Sanctions).

Order 2003, continues to lag behind the civil law and has been in danger of appearing ineffective. Under each of these enactments the prosecution would (ordinarily) be obliged to prove that the object had been unlawfully removed from a particular country, which would entail proof not only of the time but also of the place of removal. Even the Iraq order, which reverses the burden of proof of the mental element and obliges the defendant to show that he did not know and did not have reason to suppose that the object was unlawfully removed from Iraq, leaves with the prosecution the burden of proving that the object had been unlawfully removed from Iraq after 6th August 1990.

A Potential Route to Reform: Penalising Want of Provenance?

A partial solution to this problem might be to make it a criminal offence for a person to deal in a cultural object without a clear modern provenance for that object.⁽⁵⁾ The required provenance might consist of such evidence as could reasonably be expected to satisfy a reasonable person in the position of the defendant that the object has not been the subject of any unlawful removal throughout the period starting when the provision came into force. Under this proposal a defendant could become obliged to establish not only the lawfulness of the defendant's own personal dealing in the object but the lawfulness of any other dealing in the object that the defendant knows to have taken place after the coming into force date. On the other hand, it could be a defence to show that the defendant did not know, and did not have reason to suspect, that the object was a cultural object.

Further, the Minister might be given the power to prescribe by Regulation the evidence by reference to which this provision may be satisfied. Evidence that could satisfy the statutory requirement might have included: (a) the date of transaction; (b) a description (and/or photograph) sufficient to identify the object; (c) the name and address from whom the object was acquired; (d) a reference or identification

number, where one might reasonably exist; and (e) identification of the findspot, where one might reasonably have been known.

The New Criminal Provision

Such a development would require careful debate and is at least some way distant. A more modest assault on the supine and uncritical acquirer of excavated antiquities in England and Wales has recently been mounted by the Coroners and Justice Act 2009.⁽⁶⁾ The form of omission punished by this statute is much narrower and simpler than any general inability to show the provenance of a cultural object, but it may suggest an interesting model for development in adjacent fields.

Section 8A of the Treasure Act 1996⁽⁷⁾ adds a new dimension to the existing criminal law on failure to notify treasure. It imposes a duty to notify upon acquirers of treasure. In so doing it complements and to some extent reproduces the pre-existing section 8 of the Treasure Act 1996, which has since the inception of the Act imposed a duty to report on finders of treasure. The new provision does not, however, come into force until April 2012.

Section 8A operates within narrow bounds. It is narrower than other modern criminal legislation on unlawfully removed cultural objects in that it applies only to objects that are treasure, or that the acquirer has reasonable grounds to believe are treasure, within the meaning of the Treasure Act 1996. Objects originally excavated outside England and Wales, or objects excavated within England and Wales that are not actually or notionally treasure, fall beyond the statutory purview and attract no notification requirement under section 8A. Further, section 8A applies only to those who "acquire property in" a relevant object. This obscure concept is to be compared with the clearer approach taken by the Dealing in Cultural Objects (Offences) Act 2003 and the Iraq (United Nations Sanctions) Order 2003, which apply to persons who "deal in" a relevant object: a broader and more general form of activity.⁽⁸⁾

The Duty on Finders

Section 8(1) of the Treasure Act (which has itself been amended by the Coroners and Justice Act)⁽⁹⁾ imposes a duty of notification on any person "who finds an object which he believes or has reasonable grounds for believing is treasure". Such a person "must notify the coroner for the district in which the object was found [in due course to be replaced in treasure cases by the Coroner for Treasure] before the end of the notice period".

⁽¹⁰⁾The notice period prescribed by section 8(2) for the purposes of this offence is fourteen days beginning with (a) the day after the find, or (b) if later, the day on which the finder first believes or has reason to believe the object is treasure. In proceedings against a finder for an offence under this section, it is a defence for the finder to show that he had, and has continued to have, a reasonable excuse for failing to notify the coroner: section 8(4). On conviction the finder may be sentenced on summary conviction to imprisonment for a term not exceeding three

3. *Government of the Islamic Republic of Iran v. Barakat Galleries Ltd* [2009] QB 22, [2007] EWCA 1347.

4. So much is plain from *Aziz Kurtha v. Michael Marks* [2008] EWHC 336 QB at para. 140 and *Rachmaninoff v. Sotheby's and Eva Teranyi* [2005] EWHC 258 QB at para. 2, both decisions of Tugendhat J.

5. Such an offence might draw upon the same definition of 'dealing' as obtains under the Dealing in Cultural Objects (Offences) Act 2003 and the Iraq (United Nations Sanctions) Order 2003. By section 3(1) of the 2003 Act "a person deals in an object if (and only if) he (a) acquires, disposes of, imports or exports it, (b) agrees with another to do an act mentioned in paragraph (a), or (c) makes arrangements under which another person does such an act or under which another person agrees with a third person to do such an act." By section 3(2) the word 'acquires' means 'buys, hires, borrows or accepts'; and by section 3(3) the word 'disposes of' means 'sells, lets on hire, lends or gives'. By section 3(4) "In relation to agreeing or arranging to do an act, it is immaterial whether the act is agreed or arranged to take place in the United Kingdom or elsewhere."

6. The Act establishes the office of Coroner for Treasure who will in due course have jurisdiction over all treasure finds in place of the existing system: see note 9 below.

7. Added to the principal Act by section 30 of the Coroners and Justice Act 2009.

8. As to dealing, see above, note 5.

9. The principal amendments are those that relate to the appointment of the Coroner for Treasure and Assistant Coroners for Treasure (Schedule 4; and see Schedule 6); investigations and inquests concerning treasure (ss. 26 to 29, the last of which provisions deals with disclaimers of treasure (including treasure trove); the introduction of the new section 8A of the Treasure Act 1996 (s. 30); the Code of Practice (s. 31); and the power of the Lord Chancellor to make regulations concerning treasure (including treasure trove) (s. 44).

These general reforms are to be examined by Clive Cheesman, barrister, in a future article in this periodical. In its original form, section 8(1) came into force on 24 Sept. 1997, along with the remainder of the Treasure Act 1996

10. By ss. 26(1) and (2) respectively of the 2009 Act, the Coroner for Treasure must conduct an investigation concerning an object in respect of which notification is given under s. 8(1) of the Treasure Act 1996, and may additionally conduct an investigation concerning an object in respect of which notification has not been given under that section if he or she has reason to suspect that the object is treasure. By s. 26(3) the Coroner for Treasure may also conduct an investigation concerning an object if he or she has reason to suspect that the object is treasure trove.

months; a fine of an amount not exceeding level 5 on the standard scale [i.e. a maximum of £5,000]; or both.⁽¹¹⁾

The Limits to the Parallel with Finders

The new section 8A of the Treasure Act, while borrowing much of its shape from section 8, does not govern finders as such.

⁽¹²⁾It applies to persons who “acquire property in” an object, believing or having reasonable grounds to believe both that the object is treasure and that the appropriate statutory notification in respect of it has not been given. In common with the finders of treasure, such persons must now, within a strictly defined period, notify the Coroner for Treasure.⁽¹³⁾

Their failure to notify the Coroner for Treasure before the end of that period may (subject to two further conditions) constitute a criminal offence.

Penalties

Conviction of this offence will attract a penalty on summary conviction of either imprisonment for a term not exceeding 51 weeks, or a fine of an amount not exceeding level 5 on the standard scale, or both.

Time Limits for the Bringing of Prosecutions

A new section of the Treasure Act (section 8C) sets time limits for the prosecution of offences under sections 8 and 8A. By section 8C(1), the period within which proceedings for such an offence may be brought is six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor’s knowledge. There is, however, an overriding end-stop: no proceedings for an offence under sections 8 and 8A may be brought (by virtue of section 8C(1)) more than three years after the commission of the offence.⁽¹⁴⁾

Period for Giving of Notice

There are two alternative potential periods for the giving of the required notice. The Coroner must be notified either within fourteen days beginning with the day after the day on which the person acquires property in the object; or, if this occurs later, within fourteen days of the day on which the person first believes or has reason to believe that the object is treasure, and that notification in respect of the object has not been given under section 8(1) or section 8A(1).

Effect of Prior Notice or Investigation; and Reasonable Excuse

Failure to comply with the applicable notice requirement can constitute an offence, but only if two further conditions are present: first, that notification in respect of the object has not in fact been given under section 8(1) or section 8A(1), and secondly that there has been no investigation in relation to the object.⁽¹⁵⁾ Moreover, by section 8A(5) of the Treasure Act it is a defence, in any proceeding for an offence under section 8A, for the defendant to show that he had, and has continued to have, a reasonable excuse for failing to notify the Coroner for Treasure. As in other respects, this defence mirrors the provisions relating to finders in section 8.

Person to be Notified

The new section 8B of the Treasure Act expands the category of person to whom notice may be given for the purposes of sections 8 and 8A.⁽¹⁶⁾ It does so by introducing the new concept of the designated officer, which is defined by section 8B(4) as “an officer designated by an order made by statutory instrument by the Secretary of State”.⁽¹⁷⁾ It is anticipated that designated officers will consist of the Finds Liaison Officers appointed to administer the Portable Antiquities Scheme. By section 8B(1), if the relevant place⁽¹⁸⁾ falls within an area for which there is a designated officer, a requirement under section 8 or 8A that notification be given to the Coroner for Treasure (or an Assistant Coroner for Treasure) may be complied with by giving the notification to that designated officer instead. By section 8B(2) a designated officer must notify the Coroner for Treasure of all notifications given under subsection (1). By section 8B(3), if the office of Coroner for Treasure is vacant, notification under subsection (2) must be given to an Assistant Coroner for Treasure.

Power to Investigate

Once an acquisition of property has been notified to the Coroner, the Coroner may at his or her discretion conduct an investigation of the relevant object, which may in turn lead to an inquest. The power to investigate such notified objects emanates from section 26(2) of the Coroners and Justice Act 2009, by which the Coroner for Treasure may conduct an investigation concerning an object in respect of which notification has not been given under section 8(1) of the Treasure Act 1996 (finders) whenever the Coroner has reason to suspect that the object is treasure. By section 26(3) of the Coroners and Justice Act 2009 the Coroner for Treasure may also conduct an investigation concerning an object if he or she has reason to suspect that the object is treasure trove.⁽¹⁹⁾ No investigation is to be conducted, however, where the Crown disclaims the find.⁽²⁰⁾

Acquiring Property: an Anomaly?

It might, on a first reading of section 8A, be objected that the whole offence proceeds on a false premise, viz that the defendant will have acquired property in an item of treasure. No individual person, it might be objected, acquires property in treasure since treasure by its own statutory definition (enshrined in section 4 of the Treasure Act 1996) belongs to the Crown. Even if someone innocently buys a treasure item from a thief, the prevailing rule of English common law (*nemo dat quod non habet*: nobody can convey a title he or she does not have) would prevent that person from acquiring property in the object. It surely follows from this principle that, other than in exceptional cases, the innocent buyer of goods that do not belong to the seller must return the goods without compensation (or must pay damages reflecting their value) to the true owner, in this case the Crown, on demand. The mere fact that a person buys an object in good faith does not at common law make him the owner.

11 Section 8 of the Treasure Act has not unleashed a welter of prosecutions. The first conviction under s. 8 was reported only in February 2010: “Woman who found coin worth £2,000 in garden becomes first to be prosecuted for not reporting treasure”, Daily Mail, 27 Feb. 2010.

12 There seems no reason in principle why a finder falling within s. 8 cannot also be an acquirer under section 8A: for example where the finder, some time after the find, wrongfully purports to buy the object from the owner of the land on which he or she found the object.

13 Section 8A does not specifically identify what must be notified by the acquirer; presumably the fact of acquisition. Indeed s. 8 itself is scarcely more explicit on this point in its requirement of notification by a finder. It has been suggested to the author that it would be a reasonable interpretation of ss 8 and 8A to require the finder or acquirer to communicate the fact and mode of the finding/acquisition, the nature of the object and the grounds for belief that it is treasure: correspondence with Clive Cheesman, barrister. The required notification might also properly extend (in regard to a finder at least) to whatever is known about the find-spot, the owner thereof and any occupier. If s. 8 specifically required actual delivery of found treasure to the Coroner that would considerably reinforce any later assertion that the Coroner had an immediate right of possession of the treasure for the purposes of suing in conversion.

14 Section 8C(2) provides that “For the purposes of subsection (1) - (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the evidence referred to in that subsection came to the prosecutor’s knowledge shall be conclusive evidence to that effect; and (b) a certificate to that effect and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

15 In this section ‘investigation’ means an investigation under s. 26 of the Coroners and Justice Act 2009. For the text of section 26 see below, p. 143. The new s. 8A(8) provides that for the purposes of an investigation in relation to an object in respect of which notification has been given under s. 8A(1), the object is to be presumed, in the absence of evidence to the contrary, to have been found in England and Wales after the commencement of s. 4 of the principal Act.

16 For special provisions as to Northern Ireland see s. 8C(5).

17 By s. 8B(5) a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

18 Defined by s. 4 as meaning “(a) in relation to a requirement under section 8, the place where the object in question was found; (b) in relation to a requirement under section 8A, the place where the treasure in question is located.”

19 Objects qualifying as treasure trove under the pre-1996 law are specifically included within the definition of treasure under the 1996 Act: see s. 1(1)(c) Treasure Act 1996.

20 Coroners and Justice Act 2009 s. 29: below.

In fact, the application of section 8A to people who “acquire property in” treasure is not as illogical as might at first appear. The new section 8A(7) of the Treasure Act provides that, in determining for the purposes of this section whether a person has acquired property in an object, section 4 of the Act is to be disregarded. Section 4 is the provision of the original Treasure Act that vests property in treasure in the Crown. The intended effect of section 8A(7) is to subtract any element of Crown ownership from the process of identifying a person who acquires property in the object. If the location of property in the Crown is to be disregarded in determining the person who acquires property, it is the receiving party under the immediate acquisition who presumably then qualifies as the person acquiring property for the purposes of the section 8A offence and can be convicted of the offence if no notice is given.⁽²¹⁾

This allusive mode of approach is not ideal, not least because it leaves open the question whether the pre-existing possessory title of a landowner from whose land the treasure object was excavated without consent is sufficiently overriding and transmissible against a purported acquirer under the nemo dat

principle as to prevent that purported acquirer from acquiring property for the statutory purpose. If that person never acquires property, the statutory period for the giving of notice never begins to run. The result could be to relieve the purported acquirer of any duty to notify, even if one leaves out of account the true property of the Crown, because there continues to be no acquisition of property in the sense of full ownership by that purported acquirer. A preferable approach might have been to impose the duty to notify on any person who “deals” in treasure in the sense acknowledged by the Dealing in Cultural Objects (Offences) Act 2003, or indeed on any person who comes into possession of treasure, knowing or having reasonable grounds to believe that it is treasure.⁽²²⁾

Rewards for Notifying Acquirers

Whatever the merits of defining the actus reus of the offence in terms of an omission to notify following an acquisition of property in treasure, the new section 8A offers a clear incentive to the acquirer. Section 30(2) of the Coroners and Justice Act 2009 adds a new sub-section 10(5)(d) to the Treasure Act 1996, enabling a reward to be paid to “any person who gave notice under section 8A in respect of the treasure.”

Rewards are based on full market value. The normal expectation is that the acquirer’s reward will reflect an appropriate proportion of that overall value, pitched according to the particular circumstances, including the merits of the acquirer’s conduct. Where the identity of the owner of the find spot is known, the acquirer and that owner will normally each receive a half-share of the full value of the object.⁽²³⁾ In exceptional cases, however, the relative proportions might be adjusted from the basic starting point of a 50:50 division. There may well be cases where no find spot is discoverable and where no owner of the land can be identified, in which event the acquirer might receive a reward reflecting the full value of the object. In other cases an occupier of the land might participate in the reward alongside, or even to the exclusion of, the landowner. In theory the finder might also be paid a share of the global value by way of reward following the giving of a statutory notification by the acquirer, though in circumstance where the finder has personally failed to report the object, and has by this default enabled it to enter the market, the finder is perhaps more likely to be debarred from any participation in the reward.

Thanks to the editor of Art Antiquity and Law, Ruth Redmond-Cooper, Director of the IAL for furnishing me with the above transcript.

Trevor Austin

21 There is, of course, the prospect that a treasure object that was once the property of the Crown may have ceased to be Crown property. Such a situation might arise where the Crown (i) disclaims the object under s. 6 of the Treasure Act 1996, in which event under s. 6(4)(i) the Treasure is deemed not to have vested in the Crown under the 1996 Act (though the Act does not expressly state that the object ceases thereupon to be treasure) or (ii) simply abandons the object (though this is admittedly improbable). In either of the foregoing events it appears that a person who later comes upon the object may indeed acquire property in it. Alternatively, a person might exceptionally have gained property in the treasure object by acquiring it under particular conditions that override a pre-existing title. Such acquirers might be found among those who hold title under the Limitation Act 1980 or among those who bought a treasure item in good faith when it was situated in a foreign country whose law confers property on such a buyer. Cases in either category are likely to be rare, and property will have been acquired under the Limitation Act only when six years have elapsed following a good faith purchase.

22 If a word of proprietary significance had to be used, ‘title’ might have been a more appropriate term than ‘property’, with its implication of full residual ownership.

23 This might in rare cases entail the payment of a 50% reward to an acquirer whose acquisition has in fact conferred on him a 100% property interest in the object. That prospect appears not to have been considered, in the light of the general benefits conferred by the reform, offensive to Article 1 of the First Protocol to the European Convention on Human Rights as an unjustifiable interference with the acquirer’s right to peaceful enjoyment of his possessions.

Log on and get updated

Log on to our website at www.ncmd.co.uk and view the latest hobby news.

You will also find information on the benefits that we offer our members; including the latest Insurance Certificate and together with its Terms and Conditions. Information on the Treasure Act and the Portable antiquities Scheme and where to obtain your beach or foreshore permit. You can also download a handy landowner’s agreement form and many other NCMD documents in our archive.

We also have a ‘member’s only’ forum, where you can log on and discuss the latest on a wide range of topics pertaining to the NCMD and the hobby of metal detecting. Catch up on the latest forum chat including back issues of *Digging Deep* the recent Nighthawking Seminar and view the NCMD Presidents speech in full at <http://ncmd-forum.com/>



The RABI Charity Rally

Background

2010 saw the 150th anniversary of the founding of the Royal Agricultural Benevolent Institution (RABI) which was founded in 1860 by John Joseph Mechi. As by the mid 1800s a group of Essex farmers had become concerned about the level of poverty within the farming community and the absence of an official body to represent them.

NCMD Help

When it was approached, the Midlands region was more than pleased to help the local branch of RABI in organising a rally at one of their member's farm in

weather was perfect with clear blue skies and the prospect of it remaining that way all day.

The catering people had the bacon and eggs on the go and eager detectorists began to arrive in a steady trickle. By 9:30 the assembled crowd were called together and addressed by myself on safety procedures, where and when to detect and then they were off.

Most detectorists headed for the fields in closest proximity to the ancient Roman site and the conditions were perfect with the farmer having harvested his wheat the week before and having planted his winter crop only days before.



The 136 detectorists gather just before the beginning of the RABI event.

Warwickshire on 12 September. The committee had previously checked the site out for suitability regarding condition of fields, car parking, safety and all the other details that have to be explored when holding a charity event and has now become an annual event.

On the day...

The 200 acre site had been chosen near the ancient Roman Fosse road adjacent to a well known scheduled Roman town. The proximity of the farm was mouth watering close and the promise of finds was a major attraction to the 136 detectorists who made the trip.

The day started for most of the volunteers at 5am and by 7am we had most of the preparations in place for the participants. The

The Recording of Finds

The FLOs in attendance were preparing for what they hoped would be a busy day and they were not to be disappointed. Reports were coming in of Roman silver and bronze coins being unearthed and by 12:30 when detectorists were returning to the registration area for a lunch break the FLOs had a long queue at their tent.

During this break a raffle took place and the two top prizes of a metal detector donated by Mike Longfield and a Garrett's probe donated by the Midlands Region were won by Stephen Walker and Will Gardner respectively.

The afternoon session saw three new fields opened up in addition to the three detected on that

morning and at the close 134 items had been found, photographed, and recorded.

At the time of going to press a complete list and description of all the finds was still being compiled.

However I can report that an item of treasure, a Roman silver ring, has been reported to the local coroner.

Many Midlands detectorists have commented on how well organised and friendly the event was and how the notion of donating money to an organisation

that has direct links to the hobby was right and fitting.

Money Raised

Nearly £2000 was raised for RABI on the day and it is hoped that a similar event may take place in 2011.

And Finally...

I would like to acknowledge the help and support of all those who worked tirelessly on the day to make this event a success.

Thank you!

John Wells



Stephen Walker of the Leicester Search Society is awarded first prize of a metal detector by the Midlands Chairman John Wells.

From Ugly Duckling to Swan



I found a coin last Autumn that looked as if it hardly deserved a second glance. I had no idea what it was although it did look as if it could possibly be a denarius. The coin did however look as if the metal content was very poor.

I was sending a few coins off for straightening and other conservation work so decided to send this one in with the others in the vague hope that something might be done with it.

Imagine my surprise when it was returned in a very much improved

condition and looking a lot happier. It possibly cost as much as the coin is worth to have it improved but in my eyes it was value for money to be able to display it in its improved condition.

The coin is a denarius of Trajan, AD 101-2.

So when you find an ugly duckling, be sure you're not condemning a swan to your grot box!

Chris Matthews

SOUTHERN REGION

Dealing with the Foreign Press

Terry Herbert's discovery of the Staffordshire hoard in 2009 predictably attracted a great deal of interest in all aspects of detecting not only in the UK but all over the world.

Many people including me attended the PAS Conference in September 2009 which explored the legal position in various European countries and the way these countries handled Treasure and the recording of finds.

Earlier this year three journalists from the foreign media wanted to find out more about the practical aspects of the hobby. They

approached Trevor Austin who put them on to me. Ever since finding the Reigate Hoard of 6705 gold and silver medieval coins in 1990 I have had enjoyed much UK media exposure and in the last two years had featured on Sky TV, Radio 5 Live and the Guardian. As the old saying goes *"Live near London, Find a hoard. You will never be ignored"* I was thus happy to try my luck with the first foreign journalist, Jennifer Glasse from *"Voice of America"* the US state TV station.

Dealing with the media is difficult because you never know who else they have interviewed and what angle they will pursue. I have always tried to avoid the rags to riches angle of finding a large hoard. The tabloids want *"New Missus, new motor. Out with the lollipop lady and the Mini Metro. In with the lingerie model and the Maserati"*.

I couldn't use that line anyway because I collected Jennifer from Reigate Station in a Toyota Corolla. She did not seem to have any archaeological views but revealed that she had interviewed Dr. Mike Lewis the PAS deputy director. She also told me that she had spent many years as a war

correspondent. I took her up to my 'detector room' and showed her my collection of lead tokens, buckles and crotal bells. Not quite as exciting as dodging bullets in Kosovo, I realised. She did seem quite interested in a few Bronze Age finds, after all in the US anything pre 1900 is seen as ancient.

The hoard seemed to interest her most of all. *"Buried in 1455 probably by someone fleeing London just before the Wars of the Roses began in 1456"* I told her, adding that the image on the gold nobles of the king on a ship reflected the English Navy's mastery of the seas. 'Give her all the military stuff and forget the money stuff' seemed to be the best approach.

She then wanted to spend some time filming me detecting so I then drove her to a farm owned by Derek, a member of my club (East Surrey Research & Recovery Group) and as we drove along I emphasised that much of what we find is rubbish. I needn't have bothered. For about 45 minutes Jennifer filmed me digging up bits of lead and veterinary tubes on a field that earlier had produced some good finds. Fortunately it



Groat

started to rain. *Rain and Rubbish*. Not even a war correspondent could stomach that so I took her back to the railway station.

My next visitor, courtesy of Trevor Austin, was Christopher Werth from Newsweek, the magazine with the second largest circulation in the USA. Chris was a difficult man to deal with; he had obviously listened to a good deal of anti-detecting propaganda. I had recently attended the CBA Conference at Newcastle where Wayne G. Sales from the Ancient Coin Collector's Guild had made it clear that archaeologists and academics in the US were not too keen on metal detecting or indeed the private ownership of ancient coins and artefacts. Chris predictably asked me if my finds



Noble





Chris Werth outside hoard house

should really be in a museum and I replied that 301 coins from the Reigate Hoard and quite a few other finds of mine were. I added that most detecting clubs exhibit at various shows and for a few hours their display tent is a temporary museum. Chris then came out with the other hoary old archaeological chestnut asking if the historic value of finds wasn't higher if they were left in the ground. I answered that by driving him over to the spot where I had found the hoard. I pointed out a large luxurious house and told him that if I, together with the President of Surrey Archaeological Society had not dug up the hoard it would be stuck under the foundations of that house rather than providing valuable information on 15th century English currency. Game set and match? Maybe.

A fortnight before the World Cup I

collected Reiner Luyken from the German magazine *'Die Zeit'*. In Germany recreational metal detecting is banned. Reiner seemed to have a very open mind on the subject. I showed him various finds including coins from the Reigate Hoard. He wanted to go out detecting with me the next day. I arranged to take him out to a smallholding owned by David, who had agreed to speak to Reiner.

I decided to follow an argument put forward by detectorist Richard Thomas at Newcastle, that the



Reiner Luyken outside my house

detectorist is best seen as searching land for and on behalf of the landowner. I'd therefore let David do most of the talking. Reiner and David followed me as I searched a paddock, finding a few buttons and a 1945 farthing all more than 8" down. Reiner asked about the ethics of digging "through archaeology" to find metal objects. David replied that in this country we called it topsoil. He'd donated half a ton of the stuff to the local cricket club to repair their outfield. They had thanked him for the 'topsoil not the archaeology'. Reiner had a go with the detector and dug up a blank lead disc and three 18th Century halfpennies. "From the period when Germany ruled England!" he joked. With David's permission he put the finds in his bag so that he could show them to Dr. Roger Bland who he would meet later that day.

My next move was to see what the three journalists had printed or broadcast. Jennifer's TV programme had been broadcast with sub titles in many different countries. She e-mailed me a transcript. It came across reasonably well, with a good quote from Terry Herbert, the finder of the Staffordshire Hoard and a helpful quote from Michael Lewis. Christopher Werth's piece in Newsweek pointed out the opposition to detecting in some archaeological circles and the



Jenifer Glasse on Derek's farm again

restrictions on the hobby in many European countries. He also included a strongly anti-detecting quote from Paul Barford who is seen by many as archaeology's version of Osama bin Laden. But overall it wasn't too bad.

Reiner e-mailed me his article at the end of June. It was favourably disposed towards detecting. Reiner's interview with Dr. Bland had clearly given him some positive views of the hobby. I had hopefully done my bit as well. Reiner had the last laugh, however, in his e-mail pointing out that because detecting is banned in Germany the blokes there have more time to practice soccer, hence our countries' contrasting performances in the World Cup!

Roger Mintey

NORTH WEST REGION

Recovering a Lost Ring

In August this year, following a phone call from Trevor Austin asking if we could assist a local farmer, who had contacted him regarding a lost ring on his farm in my area. I contacted the given telephone number, only to find out it was his father.

So the 'intrepid three' (my wife Elsa and a mate Neil) set off, armed with various bits of paper, into the depths of North Lincolnshire (no passport required) to the village of Epworth. We found the farm and were warmly greeted by the farmer and

I explained that his father told me it was in an outbuilding and was lost while putting some feed or bedding down. I knew by the silence...then the big grin that we had only been given the very basics of the tale. "Follow me, have you brought your wellies?" he chuckled.

He led us through various outbuildings to a corrugated iron clad three sided barn with ankle deep cow s**t and straw. "It's in there somewhere" he waved. "We have been looking for five days with our feet but we haven't

moved anything out". Great I thought...glad I'm not detecting in that!

While Elsa and Neil were gingerly picking their way over the barn I had a chance to explain what the hobby is all about, and our Code of Practice and Conduct.

After 15 minutes, Elsa double-checked a positive signal with her Fisher CZ6 and bang she held up the treasured wedding ring. To say the farmer was pleased would be an understatement...straight on the phone to family and friends telling them the successful story.

After having a cuppa and a long chat about the hobby we left for home with smiles on our faces and another notch on our recovery post.

Barry Morgan.



Three Decades of Enrichment

Enrichment not in terms of financial gain or reward, but in terms of the way detecting changes our lives. We are much richer for our increased knowledge of history, for the privilege of associating with others in the detecting community, for the excitement that every signal brings. Rescuing items from future plough damage and decay and, the fact that we are making a significant contribution to the understanding of our nation's past, should make us feel good about ourselves.

34 years ago I ventured into the hobby with enthusiasm, and a bottom of the market machine - many machines later, here I am - 'still hooked' as they say. I've been fortunate to search some good sites and make some nice finds over the years, and about 17 years

ago, on farm land I had searched for some time, discovered an area that started producing Anglo-Saxon coinage and artefacts. Pagan artefacts have been recovered from the site, indicating that it was probably settled in the 6th century. None of the coins date later than A.D. 872, which suggests that the settlement was abandoned in the second half of the 9th century. Nearby springs would have supplied water, and the soil is light and well drained, making it easy to plough.

Needless to say, this site has given me many hours of excitement and discovery. I can't imagine any other pastime to be more rewarding, and find it hard to put into words just how lucky and privileged I feel to be part of the detecting fraternity.

Barry Freeman



Artefacts from the site



Small long brooch 6th century



Copper alloy pin - 10th century - length 100mm



Eadberht - 737-758



Ecgbert- Archbishop of York - 734



Primary sceatta - c.680-c.710



Secondary sceatta



Secondary sceatta



Secondary sceatta c.710-c.760



Silver strapend - declared treasure - 2000



Devolved type strapend 9th century



Wristclasp - 6th century



Sword pyramid mount - 6th century

£462,000 Reward Recommended by SAFAP for Gold Torcs

David Booth, a member of the Scottish Artefact Recovery Group (SARG), who found four gold torcs dated from between the 1st and 3rd Century BC in September 2009, is in line to receive a reward of £462,000.

The chief game warden at Blair Drummond Safari Park, near Stirling, said he was "over the moon" after hearing about the reward.

"I'm going to pay off the credit cards and loans and buy a new house for the family," he said. "The landowner will get his share as well."

The Scottish Archaeological Finds Allocation Panel (SAFAP) has recommended that the items be handed to the National Museums Scotland (NMS) - provided they make the ex-gratia award to Mr Booth.

The decision was announced by the Queen's and Lord Treasurer's Remembrancer, Catherine Dyer, who as the Crown's representative in Scotland can claim buried archaeological or historic items.

Ms Dyer said: "This is a very significant find, the most important hoard of Iron Age gold ever found in Scotland. That these stunning artefacts have been unearthed in such excellent condition after being buried for 2,000 years is simply amazing. In the context of the current difficult economic climate, we will be exploring a range of sources of funding to secure what is a substantial sum"

Professor Ian Ralston, Chairman of SAFAP, said: "The panel is grateful to the finder for reporting these highly important finds in good time and for the further assistance from the finder during fieldwork by the National Museum at the site of the discovery. This has allowed much greater understanding of the archaeological context of these four exceptional items."

Dr Gordon Rintoul, NMS Director, said he would be looking at a number of ways to raise the money for the reward.

"These magnificent Iron Age gold torcs are of national and international importance and we are delighted that NMS will now have the opportunity to acquire

them for preservation and display," he said.

"In the context of the current difficult economic climate, we will be exploring a range of sources of

funding to secure what is a substantial sum to ensure these items remain available for future generations within the national collections."



© National Museum of Scotland

The Frome Hoard

Sam Moorhead, Anna Booth and Roger Bland

Available from

The British Museum Press, 38 Russell Square

London. WC18 3QQ

Tel: 0207 323 1234

48 pages, 50 colour illustrations

ISBN 978 0 7141 2334 9 PB £4.99

The first book to tell the story of the Frome Hoard, one of the largest Roman coin hoards ever found in Britain.

"This find presents us with an opportunity to put Carausius on the map. School children across the country have been studying Roman Britain for decades, but are never taught about Carausius – our lost British emperor."
Roger Bland.

On 9 April Dave Crisp found 21 coins while metal detecting on farmland near Frome. Two days later he returned to the site and discovered a huge pot filled with over 52,000 coins.

Archaeologists now believe that these coins will re-write the history books. One of the largest Roman coin hoards ever to be found in Britain, the Frome Hoard contains a group of coins of Carausius, the first Roman emperor ever to strike coins in Britain.

Emperor from AD286 to AD293, Carausius ruled a Britain that suffered barbarian invasions, economic crisis and civil wars. Finally defeated when the

Emperor Diocletian formed a coalition with Emperor Maximian, he has now been largely forgotten.

The Frome Hoard contains more than 760 of Carausius' coins, making it the largest group ever found. Among the discovery are five rare examples of his silver denarii, the only coins of their type being struck anywhere in the Roman Empire at the time.

This, the first book on the hoard, tells the remarkable story of the discovery, describes the fascinating collection of coins it

contains and offers an initial interpretation of the treasure, and its significance. Close-up photographs show intricate details of the amazing coins.

50p from the sale of every book will go to the Frome Hoard appeal fund.

Following the recent discovery of one of the largest Roman hoards ever found in Britain an excellent book has been produced to accompany the announcement of both the valuation and the acquisition by Somerset county

Museum, who plan to display both the hoard and the restored pot in their new Museum of Somerset in Tanton sometime in 2011.

The book follows the same familiar format as the Staffordshire Hoard book, with excellent photographs and illustrations and is an excellent insight into both its finding and composition. There are a large number of coins from Carausius in the hoard, chapter five covers his reign in detail to his assassination by Allectus in 293.



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The book also contains an section on other Roman coin hoards found in Britain and an interesting theory surrounding the reason for their deposition.

The hoard was valued by the Treasure Valuation Committee on the 1st October at £320,000 with a further £250 for the container. Also from the same findspot were 62 siliquae which the finder, Dave Crisp of the Trowbridge Club, found prior to the discovery of the hoard and which is also covered in the book.

An excellent addition to your library.

Anglo-Norman Armory One... and Anglo Norman Armory Two

by Cecil R. Humphrey-Smith

Price: £27.50 plus £2.50 P&P

Available from: Institute of Heraldic and Genealogical Studies

79-82 Northgate, Canterbury, Kent CT1 1BA

Tel: 01227 768664

Fax: 01227 765617

www.ihgs.ac.uk



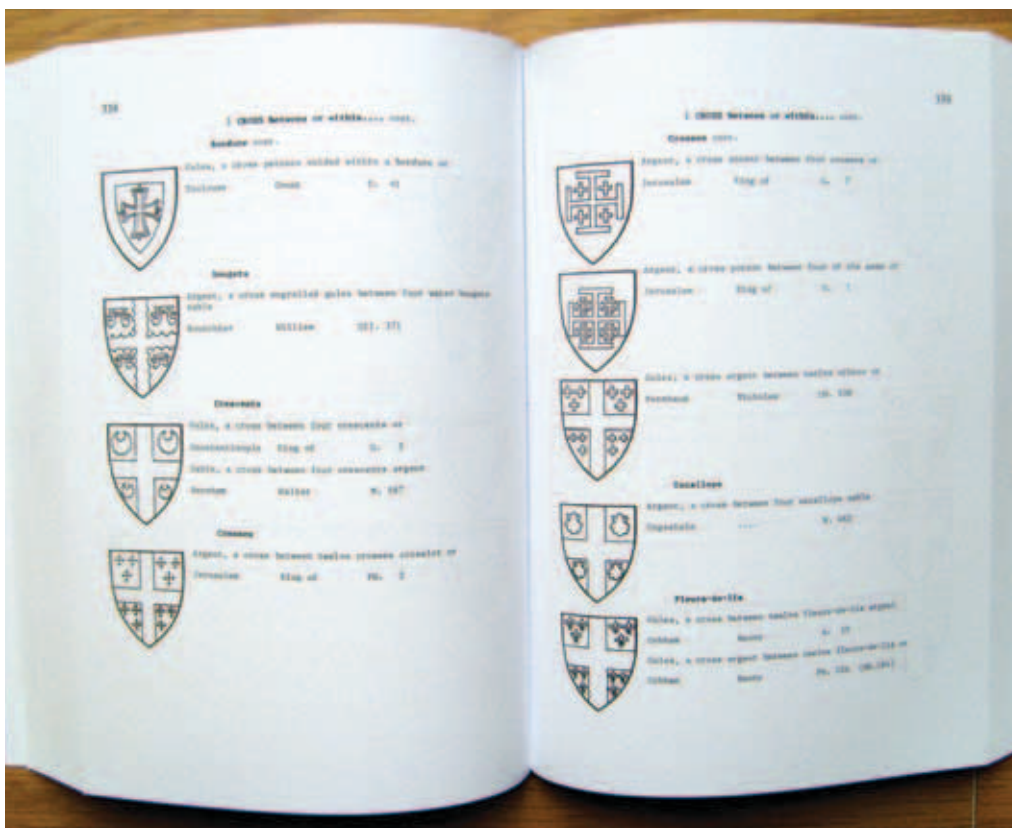
Most of us, at one time or another has found either a heraldic pendant or ring decorated with an armorial design. However, researching the subject can take hours of searching on the web or in publications. The books, which have been reprinted due to popular demand, are primarily intended as a reference work for students and covers all the known

rolls of arms chiefly from 1250 up to about 1315 and will be invaluable to detector users who find artefacts decorated with heraldic devices.

Book one is primarily a discussion of 13th century armory. It also contains a black and white photograph of the entire Herald's Roll (Fitzwilliam version), along with explanatory text. The Herald's

Roll contains roughly 700 coats of arms. There are also interesting chapters on the principal Norman families in England and also the Norman origins of armorial usage.

The second book is an 'ordinary' which means that it is a collection of coats of arms arranged according to design. The earliest was compiled about 1340 and contained 644 shields of English



lords and knights and is known as *Cooke's Ordinary*.

The black and white illustrated coats of arms, of which there are over 3,000 described, are arranged in the classical method of cataloguing by way of the principal ordinaries and charges on the shield making for easy reference. Putting the book to the test on a recently discovered pendant came up with a description and date in about five minutes.

Undoubtedly *Anglo Norman Armory Two* will be the primary reference; priced at £27.50 it is an excellent book for finders of these fascinating artefacts and will be a useful addition to any club or personal library.

At the moment both books are available together *Anglo Norman Armory one* and *Anglo Norman Armory two* for the reduced price of £30.00 plus post and packaging and is well worth the extra few pounds to complete the set.

Trevor Austin

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