

Digging deep

NCMD
NATIONAL COUNCIL FOR METAL DETECTING



All the latest news from the National Council for Metal Detecting

ISSUE 8

Meeting with Ed Vaizey

Minister for Culture, Communications & Creative Industries

On 17 November 2011, the NCMD were invited, as key stakeholders, to a round table meeting with Ed Vaizey the Minister for Culture. Recent deliberations on the single Coroner for Treasure as envisaged in the Coroners and Justice Act 2009 (reported earlier in these pages) were thought not financially viable in the light of the unprecedented economic situation, but that considerations on feasibility continued. The Minister and his Officials, in light of this, called the meeting to discuss the best course of action for the future.

Present at the meeting were; Steve Critchley NCMD Chairman, Trevor Austin NCMD General Secretary, Roger Bland head of Portable Antiquities and Treasure, Lord Colin Renfrew, Lord Alan

Howarth, Victor Round The Coroners Society, Helen Laughlin DCMS, Hillary Bauer DCMS, Bob Croft ALGAO, Pete Wilson EH, Richard Dale Treasury Solicitors (Tsol) and Mike Heyworth CBA.

The Minister began by outlining the difficulties in providing funding which although the DCMS were prepared to provide in part, The Ministry of Justice (MoJ), who were conspicuous by their absence from the meeting, had refused to fund the post. Another suggested option, was that the services of the coroner for treasure be run on a pro bono basis, however legal advice given by the Tsol indicated that this was unworkable, the reasons for which seemed a little thin to the meeting and in particular Lords Renfrew and Howarth.

The only other outcome would be to await the next spending review due in 2014. However other suggestions were considered on a way forward which, although I cannot report on at this time, could provide an alternative. Should these alternatives prove to be a viable option, I will report at a later date.

Also briefly discussed was the overdue Code of Practice review, and although the consensus of opinion is that this should take place early in 2012, it is still dependant on the outcome of the amendments outlined in the Coroners and Justice Act, which may need amendment to the Treasure Act through primary or secondary legislation.

Trevor Austin

See your new NCMD wallet inside



Ed Vaizey

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NEWS

The Duchy of Cornwall Beach Permit

The Duchy of Cornwall recently announced that they would be introducing a beach permit (or licence) scheme for persons wishing to metal detect on beaches owned by the Duchy. The permit will allow metal detector users to detect on the portion of the beach between mean high and mean low water, with a proposed fee of £60. There has been much speculation and complaint about the proposal, and some

misinformation on how the permit will work and the costs to families and clubs.

The NCMD has spoken with the Duchy and a meeting is planned for January to discuss the implications and workability of the permit. Some agreement has already been reached on family and club permits, where a single permit (or licence) would be issued to cover named club or

family members. There has also been agreement that those visiting the beaches on holiday would be able to obtain a permit at a reduced cost for the duration of their stay.

Obviously as there are still on-going discussions, more information will be available at a later date.

Trevor Austin



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The NCMD officers wish all our members A Happy Christmas and prosperous New Year



Professor Norman Palmer CBE QC

Appointed as Standing Honorary Counsel to NCMD

The Executive Committee is pleased to announce that following an approach by the General Secretary Trevor Austin, Professor Norman Palmer has agreed to accept appointment as Standing Honorary Counsel to the National Council for Metal Detecting.

In that capacity Professor Palmer will advise the Council on law reform proposals affecting the activities of the Council and its members, on individual points of law and practice that arise from time to time, and on related matters covering the field of

treasure, portable antiquities and finders. The appointment commenced after Professor Palmer had completed his outstanding obligations as Chairman of the Treasure Valuation Committee.

Trevor Austin



ITV Finds Day at Arundel Castle



Last July many NCMD members in the South East received an e-mail from ITV's Sinead Fox urging them to visit Arundel Castle on 30 July for a PAS Finds Day that would be filmed by ITV, adding that ex-news reader Michael Buerk and historian Bettany Hughes would be the resulting programme's presenters. She asked us to bring along any of our finds ancient or modern, recorded or unrecorded. This contrasted with the views of David Williams, Surrey FLO who would be at Arundel doing some of the recording. He saw the event as a typical PAS finds day for the main purpose of recording pre-1700 finds onto the PAS database.

Detectorists who had pre-booked were given free admission to the Castle, which was itself a bonus for those with children. Inside the Castle Keep the PAS had set up its finds tent. A long queue had formed in front of the finds desk. I felt concerned that the event would show the hobby in a bad light. Most 'salt of the earth' or 'backbone of the hobby' detectorists record with their clubs or visit their FLO

privately. It was likely that many of those in the queue would be a motley collection of beachcombers, house clearers and occasional detectorists plus a few waifs and strays who just wanted to get on the telly.

I then noticed David Smith and Gordon Browne from Brighton MDC in the queue and felt somewhat reassured. They told me that Gary Crace, a Brighton detectorist since 1974 was now working as a Sussex PAS intern and was on the recording desk that day. Gary had given a talk at the PAS's Conference on Self Recording at Maidstone the previous January. Today he was working alongside David Williams, Stephanie Smith (Sussex FLO) and Ian Richardson, the BM's Treasure Registrar. I had a brief word with him and he told me that the day was proceeding rather well and that there was no point in anyone worrying about the contents of any future TV programme until and unless it was broadcast. He definitely did not see himself as archaeology's answer to Simon Cowell!

He pointed out the PAS/BM's star personnel, or more accurately finds experts, Helen Geake, Phillipa Walton and Justine Bayley, seated at tables outside the tent. There was indeed a steady stream of people moving up the queue to the finds desk, some of whom then clearly passed the audition for instant TV stardom. This select few then took their places at a table with Michael Buerk or Bettany Hughes and the relevant BM finds expert while the cameras whirred. Fame at last! Sinead Fox appeared explaining that no financial values were to be mentioned in front of the cameras with the exception of valued Treasure.

No one would be informed that their fragment of a Roman Colchester type brooch was of immense interest to the PAS but was actually worth about 4p, which was probably just as well. Michael Buerk went into the finds tent and spoke to a few people. Everyone became more relaxed and able to explain who they were and why they were there. They all appeared to be reassuringly sensible. Some were there out of

curiosity. There were two beachcombers and a member of Horsham District Archaeology Group who had brought along some finds made by detectorists on their recent digs.

A reporter from the Littlehampton Gazette was also there interviewing some finders. He explained that he had done some detecting in the past. It seemed likely his article would be detectorist friendly. The day ground to a halt at 5.30pm. The VIPs from PAS and ITV adjourned to a local pub while all the lesser mortals pushed off home with no knowledge of what (if indeed anything) they would eventually see of themselves on TV.

Roger Bland later told the NCMD that other filming had taken place both at the BM and at a detecting club meeting.

Roger Mintey

NOTE: I can report that I have now seen the final pilot programme, which has not yet been scheduled, however the hour long programme was very well put together and quite interesting. **Trevor Austin**



Treasure Chest Exhibition

Chester Town Hall

Chester Town Hall proved a grand and historic setting for The Treasure Chest Exhibition – an Exhibition of Metal Detecting Discoveries which took place on August 6. The event was organised by Northwest Regional representatives of clubs within the NCMD, with input from nine clubs: Lune Valley, Wrexham, West Kirby, Kendal, Blackpool & Fylde, Bolton, South Lancs & Cheshire, Northwest and Mold.

the present day. Many of the clubs also brought along touch trays full of choice coins and artefacts for younger visitors to explore.

Judges, including Rob Philpotts, from the National Museum of Liverpool, TV presenter and author Mark Olly, and Ken Wilcox, the NCMD delegate from East Anglia, were all thoroughly impressed with the displays. The theme of the event was LEAD THROUGH THE AGES, and each club had

Lancashire and Cheshire MDC as the winner.

The winner for the overall general stand was the Mold Club, which put on a staggering display, both in terms of quantity and quality, with items, coins, jewellery and artefacts, in all shapes, sizes and metals, and dating from all periods.

Rob Philpotts was tasked with judging the winner of the overall coin, a job he admitted was incredibly difficult with all the excellent pieces on display. He had to select just one, and it was the silver dram of Husran II (591-628) of Iran, which was found by Trevor Brown from the Mold Club.

Finally the artefact category winner, judged by Mark Olly, was a medieval bronze anointing bottle found by Tommy McCormick from South Lancashire and Cheshire MDC. Mark said he was impressed by many of the artefacts on show but he chose the flask because of all the work put in by Tommy to research the item, effort which paid off when his find redefined our view of a particular part in history. It seems the flask, a small sealed bronze pot, with two little handles on it, would have been used in medieval times by priests, for christenings, confirmations and the last rites. It was sent to the British Museum which got permission to open it and inside they found badger hair! Baffled at first, the archaeologists came to the conclusion that around the time the pot was used, 12th to 14th Century, the plague



Chairman lifts the cup: Cliff Passey receives the cup for the lead category prize

was still around, so rather than putting their hands on a person to bless them, the priest used the badger hair so they didn't have to touch them.

Besides the overwhelming finds on display at the exhibition, visitors were also entertained by Mark Olly who came decked out in his regalia and answered questions from enthusiasts. The infamous 'Viking' Ian Uzzell fascinated crowds with his 'coin striking'; he struck visitors their very own Viking currency.



Winners the team: South Lancs and Cheshire Club members with some of the judges

It attracted hundreds of visitors eager to find out more about the hobby and see what kind of things can be found using a detector these days. And they were not disappointed. There were some amazing items on show, each club had brought along their most interesting, attractive and precious finds, with coins and artefacts dating from prehistoric times to

made up a special display case with some fascinating items dating from medieval times to the present. The judge of the category was Ken Willcox. He said he was surprised at first by the choice of the theme but on examining all the displays, he was very impressed with the interesting lead items that came out. He finally singled out the South



There was also the chance to get any unidentified or interesting finds explained, as the Portable Antiquities Scheme's Finds Liaison Officers Peter Reavill and Dot Broughton attended, giving advice, identifying and recording items.



Hoarding & Deposition of Metalwork: A British Perspective

PAS Conference 29 October 2011



Portable Antiquities Scheme

www.finds.org.uk

I was one of around a dozen NCMD members who made their way to the British Museum (BM) for this event. I had a special reason for attending since I had found the Reigate Hoard of 6705 silver and gold 13th-15th century coins just over 20 years previously. This experience gave me an insight into how the academic world perceives hoards. The significance of a hoard to the expert who investigates it is completely different to that of the



Brian Pollard and Byron Tosh taking refreshments

person who originally buried it. The anonymous but important person or people who buried hoards may have done so either to preserve their life savings in troubled times or to make some kind of offering to their gods. But



© PAS

to the academic the hoard is not merely a finite number of coins or artefacts, it is a perpetual and infinite supply of information. Information is, as we know, the lifeblood of the PAS and information and context were the real subjects of this conference, rather than mere pieces of metal.

Nine speakers presented half hour long papers on hoards dating from the Bronze Age to the Civil War, examining the distribution of coins or artefacts within particular hoards, the historical distribution of hoards throughout a particular period and the geographical distribution of hoards buried at the same time. Some speakers made the point that what a particular hoard didn't contain was just as important as what it did contain. Some hoards raised more questions than answers but there was always the hope that the next hoard would answer the question that the last one posed.

Some speakers referred to 'placing a hoard in its archaeological or historical context' and they meant exactly that; examining its relationship with other contemporaneous finds. Too often detectorists hear the same phrase used by the anti-detecting fraternity to mean "*leaving a metallic object in the ground where the only living creatures with any knowledge of it are worms, beetles and the odd badger*". This was a detector friendly event where all concerned were dealing with metal

detecting's most spectacular results.

Kenneth Painter's paper explicitly compared two Roman deposits found in Germany in around 350 AD but also implicitly compared Britain's attitude to detecting with that in Europe. The first hoard he talked about was recovered from the River Rhine during recent gravel extraction having most likely fallen overboard when being carried up the river by a raiding party. The second hoard was buried in three pits near Hanover. There was sufficient data on European hoards from that period to make some deductions about this rather violent period under the usurper emperor Magnentius, but nowhere near as much as there is in Britain where detecting is making such a valuable

contribution. The European equivalents of Dave Crisp (who was there) and Terry Herbert (who was mentioned and praised) would be twiddling their thumbs in frustration.

The event concluded with a question and answer session. One lady asked about the hoards and finds that we don't know about. This was a rather tasty double-edged question. Dr. Roger Bland replied with his usual diplomacy. "*Well we don't know*". A memorable end to a memorable event.



Roger Bland

Roger Mintey

NCMD SUBSCRIPTION RATE 2012

The subscription for membership for 2012 will be as follows:

Individual Members £8.00

Central Register Club Members £8.00

NCMD Regional Club Members £6.00 + NCMD Regional levy.

These rates will apply to the membership subscription year beginning 1 April 2012.

NCMD Executive Committee

MEETING DATES

The Next NCMD Executive meeting will be on the 19 February 2012

The Next Treasure Valuation Meeting will be on the 19 January 2012

The Next Portable Antiquities Advisory Board meeting May 2012 (date TBC)

GET IN TOUCH

For membership enquiries contact the Membership Secretary: **John Rigby**
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Heritage Crime Initiative and Alliance to Reduce Crime against Heritage (ARCH)



Following a recent meeting with Trevor Austin and Steve Critchley, Chief Inspector Mark Harrison attended the November meeting of the NCMD executive committee to discuss the Heritage Crime Initiative and Alliance to Reduce Crime against Heritage (ARCH), which the NCMD have agreed to be a member of.

2010 study found that arson, architectural theft (including metal theft), removal of artefacts from protected sites and vehicle nuisance pose the greatest threats. For example the number of insurance claims in 2010 for metal theft from churches is twenty times as many as that in 2005.

What is heritage crime?

Heritage crime is defined as 'any offence which harms the value of England's heritage assets and their settings to this and future generations.'

England's heritage assets include:

- World Heritage Sites
- Scheduled monuments;
- Listed Buildings
- Protected marine wreck sites
- Conservation Areas
- Registered Parks and Gardens
- Registered Battlefields
- Protected military remains of aircraft and vessels of historic interest
- Undesignated but acknowledged heritage buildings and sites e.g. local designations.

There is a consent regime and specific offences in law to protect certain designated heritage assets against damage and unlicensed alteration. However, crime such as theft, removal of objects of historic interest, criminal damage, arson and offences of anti-social behaviour can also lead to harm to heritage assets.

How widespread is heritage crime?

The true extent of heritage crime is difficult to measure: this is due to the way in which it is currently recorded and because it tends to be under-reported by victims. A



© English Heritage Damaged information signs at Camber Castle

Tackling heritage crime

The Heritage Crime Programme is being coordinated by English Heritage, the Police (through the Association of Chief Police Officers (ACPO)) and the Crown Prosecution Service (CPS). Each of the three organisations has signed a memorandum of understanding on tackling heritage crime (MoU) which delineates responsibilities between the three strategic partners English Heritage, ACPO and CPS. Local authorities will also be encouraged to join this coordinated effort and sign the MoU. Seven local authorities have showed their commitment to tackling crime in the historic environment by joining ARCH and signing the enforcement MoU:

- Canterbury City Council
- Dover District Council
- Ipswich Borough Council
- Cheshire West and Chester Council
- Herfordshire County Council
- Norfolk County Council
- Northamptonshire County Council.

It is hoped that many more authorities will join the partnership in the coming months.

Developing a partnership model

A partnership model for the enforcement of heritage crime was agreed on after months of discussions with the Police and other organisations in several authorities. These included those involved in wildlife crime prevention, local authorities, professional groups responsible for regulation of historic buildings and sites and community groups with an interest in the area. The aim



Mark Harrison

was to set a model for future prevention and enforcement that is realistic, efficient, within existing and anticipated resources, sustainable and with the capacity to grow its coverage and effectiveness over time. The model of Neighbourhood Policing, established to tackle the crime and day to day anti social behaviours most affecting local neighbourhoods provides a useful model for tackling heritage crime.

Reducing heritage crime

Local communities are being urged to understand what heritage assets they have in their area that may be at risk of irreversible damage from crime and to report suspicious behaviours to their neighbourhood policing teams. The profile and accountability of heritage crimes among police officers will also increase. For the first time, there is a national lead in ACPO on heritage crimes, Chief Constable Richard Crompton of Lincolnshire Police, with a dedicated portfolio holder in many police forces across the country. Neighbourhood Policing and community involvement is expected to contribute considerably to improved intelligence and data on the ground. The national agencies will be responsible for encouraging the use and development of the model at a local level. The initiative will be focused on the following geographical areas for the first 12 months:

East Region – all counties

South East Region – Kent, East Sussex, West Sussex and Hampshire

South West Region – Gloucestershire, Wiltshire and Somerset

National Parks – Northumberland and Peak District and

Any other district or county that was enthusiastic to engage.

These areas were selected because they have a particularly high number of heritage assets and because local stakeholders were willing to get involved in the initiative.

Priorities for reducing heritage crime

The following issues will be given priority:

- Preventing and detecting criminal damage caused to the historic environment.
- Preventing and detecting unlawful excavation and removal of articles from the historic environment.



© English Heritage. Clifford's Tower York is an unusual 13th century keep atop William the Conqueror's fortress and a principal feature of York's medieval castle. Vandalised in 2010.

- Preventing and detecting architectural theft from the historic environment.
- Prevention and enforcement of unauthorised works to listed buildings.

These categories are deliberately broad and will be refined over time with improved intelligence.

Next steps

Over the next few months we will be:

- Encouraging the use and development of the partnership model in the identified areas. However, if you are not within one of those areas we would still encourage you to set up the model in your own area.
- Encouraging local authorities to sign up to the Memorandum of Understanding.
- Publishing a range of guidance including a Guide for Sentencers, Heritage Impact Statements, Out of Court Disposals, Risk Assessment Guidance for Heritage Assets and Heritage Crime prevention measures.
- Working closely with colleagues to develop a range of training courses on topics such as investigation techniques, evidence gathering and forensic methods.

How can I get involved?

- Some excellent partnerships are already developing across the country to tackle heritage crime and we hope that this will continue with the support of the heritage sector and local communities in the future. If you are interested in finding out more about the initiative or getting involved whether as a volunteer please let Trevor Austin know.

Alliance to reduce crime against heritage (ARCH)

The Alliance to Reduce Crime against Heritage (ARCH) is a voluntary national network which will take forward initiatives to tackle heritage crime and galvanise local action as part of the National Heritage Protection Plan. The overriding objective of the group is to reduce the amount of crime that causes damage to or interferes with the enjoyment of heritage assets in England.

Members of ARCH have a shared interest in preventing and seeing effective enforcement of heritage crime and through conferences and training events it will be a means of discussing priorities, sharing information about heritage crime, carrying out training and highlighting best practice and making local contacts. A

conference for ARCH members will be held annually where experiences, ideas and priorities for tackling heritage crime can be shared.

There are now over 80 members of ARCH.

Arch conference on heritage crime

The first conference organised by the Alliance to Reduce Crime against Heritage (ARCH) was held in London on 11 February 2011. Representatives, from a wide range of organisations, came together to discuss:

- The problem of heritage crime;
- Learn more about the Heritage Crime Programme; and,
- How they could tackle heritage crime in their areas by developing a partnership model.

The conference was attended by Baroness Kay Andrews, Chair of English Heritage, Chief Constable Richard Crompton of Lincolnshire Police and lead for Association of Chief Police Officers (ACPO) on matters relating to Rural Issues and Wildlife and Heritage Crime and Nick Hunt, Director of Strategy and Policy Directorate for the Crown Prosecution Service (CPS).

English Heritage, together with ACPO and the CPS, signed the



©English Heritage. Remains of Roman settlement were damaged by off road vehicles in Easton Grey, Wiltshire

Heritage Crime Memorandum of Understanding at the opening of the conference. Councillor John Gilbey, Heritage Champion & Leader of Canterbury City Council, the first local authority signatory to the Memorandum of Understanding, spoke at the conference, as did Councillor Dr Andrew Richardson Heritage Champion for Dover District Council and Kent Police Heritage Crime Volunteer. There was widespread media coverage of the event and an extremely enthusiastic response both before and after the event highlighting just how much interest there is in tackling this problem.

Chief Inspector Mark Harrison BSc (Hons)

Policing and Crime Advisor - Heritage Crime Initiative and Alliance to Reduce Crime against Heritage (ARCH)

Detecting & Rallies on Land Under ELS Agreement

There are no restrictions on metal detecting on land entered into an Entry Level Scheme (ELS) agreement before **1/10/2008**. Since ELS agreements run for five years, some of these pre October 2008 agreements will still be in place in 2013 with no restrictions on detecting.

As a result of pressure from archaeological groups a number of restrictions on detecting were written into the 2008 *ELS Stewardship Handbook* produced by Natural England, which governs ELS agreements made **after 1/10/2008**. The following three restrictions, set out in Section 1.5.5 of the handbook apply to detecting:

- 1) Metal Detecting on “*known archaeological sites*” under grassland is prohibited. Grassland is defined as “*land that is used to grow grasses or other herbaceous forage naturally and which has not been subject to cultivation for at least 5 years*”. “*Known archaeological sites*” are defined in the handbook as archaeological sites identified in the **Farm Environment Record (FER)** and any additional sites of which the farmer is subsequently advised in writing by Natural England.
- 2) All metal detecting has to be undertaken in accordance with the principles laid down in the

Code of Practice for Responsible Metal Detecting and all finds must be reported to the Portable Antiquities Scheme (PAS).

- 3) Details of large scale detecting events, including rallies, on any ELS agreement land, must be notified to Natural England (who manage all forms of Environmental Stewardship including ELS on behalf of DEFRA) at least 12 weeks in advance of the event. The Landowner should provide all relevant details including **the date, location, a map showing the fields to be searched** (marked with any areas excluded) **and the expected**

number of participants. This will enable Natural England to provide the landowner with additional advice to ensure that the event does not conflict with the requirements and objectives of the ELS agreement.

The handbook also instructs the landowner to “*protect and retain archaeological sites and other environmental features (as identified in the **Farm Environment Record**) over the whole area under ELS agreement*”. The landowner must “*ensure that no damage is caused to these features and any additional features of which he is subsequently advised in writing by*

Natural England, wherever metal detecting takes place”.

Damage to archaeological sites is taken to mean disturbance of previously undisturbed deposits in and on archaeological sites and monuments, and any removal, loss and/or disruption of standing masonry or other upstanding structural material. If the landowner is in doubt about whether any operations would “damage” environmental features, he should contact his Natural England office.

Natural England also recognises that activities other than metal detecting could compromise historic areas and archaeological sites and as a result have imposed controls and restrictions on ground-working, ploughing, and the disposition of livestock in these areas. Free range pigs, for example, can not be placed on archaeological features under any circumstances.

In February 2010 the latest version of the *ELS Handbook* was published governing ELS agreements made **after 1/2/2010**. The three restrictions on detecting are identical with those in the *2008 Handbook* except that they now appear in Section 1.6.5. instead of 1.5.5.

The three basic restrictions set out above are, in theory, all that anyone detecting on ELS land needs to understand. Unfortunately life is never that straightforward and detectorists will often encounter landowners, rally organisers, archaeologists and maybe even Natural England employees who for whatever reason do not appear to understand the contents of the *ELS Handbooks*. It could thus be

beneficial for ELS land detectorists to understand a little more of how ELS works and thus the rationale behind some of the clauses in the *Handbooks*.

Environmental Stewardship Schemes, including ELS, are aimed at conserving wildlife, maintaining landscape quality, protecting the historic environment, promoting public access and protecting natural resources. Farmers who sign an ELS agreement are entering into a legal contract with Natural England under which they manage their farm according to the aims of the ELS and are paid for doing this. ELS agreements are five year legally binding contracts, the terms and conditions of which are set out in the relevant *Handbooks*, which are divided **into three relevant sections**.

Section 1 is mainly procedural, dealing with who can apply for ELS, which land is eligible, the penalties for breach of the agreement and finally (sub-sections 1.5 in 2008 and 1.6 in 2010) the various restrictions on ELS land including those concerning over/under grazing, public rights of way, protection of historic features and buildings and, as we have seen, metal detecting.

Section 2 is concerned with methods of application and the various records which the farmer must keep including the **FER**, a map which indicates all the historic and environmental features on the farm which the farmer has agreed to protect and retain.

Section 3 sets out all the management options which the farmer chooses to implement. These are the options for which

the farmer is **actually paid** to deliver and relate to boundary features, trees, historic features and buildings, buffer strips, arable land (including bird protection) crops, soil erosion, water and livestock. Farmers must ensure that no outside activity, including metal detecting, interferes with their ability to deliver these options.

To sum up, a farmer in ELS has to abide by the various restrictions at the end of **Section 1**, preserve the historic and environmental features described on the FER map in **Section 2** and choose and deliver the options set out in **Section 3**.

On re-examining the procedures necessary to hold a rally on ELS land it is reasonable to argue that if, **under the terms of ELS handbooks**, a farmer provides Natural England with all the necessary details 12 weeks in advance and that it is clear that the planned rally will not breach any of the restrictions set out in **Section 1**, will not damage any of the farm’s historic or environmental features (**FER map Section 2**) and will not interfere with the farmer’s ability to deliver his agreed options (**Section 3**) then there is no clear reason why the rally should not proceed. The proposed event would not “*conflict with the requirements and objectives of the ELS agreement*”.

In reality this argument could prove unrealistic or even fanciful. It is possible, indeed likely that Natural England, after consultation with various third parties from the heritage community, could well impose conditions which render the proposed rally almost impossible to stage.

All the farmer and rally organiser can do is to **follow the procedures set out in the handbook. There is no excuse for failing to do this correctly**. After that the destiny of the rally is out of their control and all they can do is hope for a satisfactory outcome.

It is a common misunderstanding amongst some archaeological groups that a farmer needs to apply for a **derogation** when he notifies Natural England of a proposed rally. This is not the case. A derogation is a procedure a farmer should use when he wishes to temporarily alter any of the restrictions to which he is bound by his ELS contract. Natural England do not expect farmers to attempt to alter the terms of their contract by seeking a derogation more than three times in a five year agreement. Derogations are thus rare occurrences. Holding a rally, provided the proper notice has been given, does **not** constitute an alteration of the terms of the farmer’s contract and does **not** therefore require a derogation.

On a lighter note the **FER Map**, of which the farmer should hold a copy, also indicates each field or parcel of land under the farmer’s ELS agreement. Each field is labelled with its own unique Rural Land Registry (RLR) number. The FER map will also show fields which the farmer owns which are, for any number of reasons, **not** entered into the ELS agreement, and on which no metal detecting restrictions exist. Find these fields and you might find yourself ... a George V halfpenny, a few ring-pulls and the odd lump of lead!

Roger Mintey

Insurance Matters

I frequently receive mail from members enquiring about the NCMD insurance and whether their particular situation is covered. So I thought I would compile some of the more common situations that members enquire about and one or two of the less common.

Q. We will be holding a stall for the club at a local event, but the people who will be in charge of the stall are not NCMD members.

Is the club still covered by the NCMD insurance for holding such an event?

A. Providing the persons in charge of the stall are doing so at the request of the club, both the club and the persons in charge of the stall will be covered by the NCMD insurance. The persons in charge of the stall will be classed as volunteers and as such are covered by the insurance policy.

Q. I wonder if you could help me with an insurance question. We have a disabled member who requires physically carrying up and down stairs to attend club meetings as the venue is on the first floor ... In the short term the question is are our members covered by our insurance for carrying the disabled member up and down the stairs at our club site venue?

A. The safety of individuals within a public building is the

responsibility of the owner of the building who must have their own public liability insurance. If any mishap occurs while carrying the disabled person up the stairs; then any claim for injury will be directed at the property owner. The NCMD insurance not would apply in this case.

Q. I am writing to you to confirm something I think I already know but to make it official for the organisers.

Typical finds display



I currently work in Manningtree, Essex and for the last four years the town has held a 'Beach Bash' which involves sandcastle building, street performers, stalls etc. This year I have been approached to see if my club would do a metal detecting demonstration for the children.

Here is a summary of what I shall be doing and I am asking if my insurance will cover me for this event!

I have been allocated a section of the local, man-made beach, which has recently had some new sand added so it is fresh and clean. I intend to bury coins and artefacts for children to find and after finding they will have the chance to research the item on a information sheet and then they get to keep their find.

I shall be digging a shallow trench and lining it with plastic to prevent adding to natural losses and also to ensure that everything I bury is recovered. Then during the demonstration I shall bury a small quantity of items to preserve the stock as long as possible. The children will be using an old

C-Scope machine because in the past the children have loved the different sounds it makes and a trowel (hard unbreakable plastic) to recover the finds. There will also be a display and the children will not be handing dangerous or hazardous items. This means all the risks are very minimal if indeed there are any at all.

I noticed on the insurance summary that in order for the cover to be in effect the activity is to be recognised / authorised by The National Council for Metal Detecting. So I am asking you if this activity is within the guidelines!

A. You are quite right, and have acted in the correct and proper manner. Such activities are covered by our insurance provided that, as you have done, particulars of the event are cleared by the NCMD.

Q. I and three fellow detectorists had the misfortune of spooking some cattle on a farm we detect which caused some damage to a number of fences. The farmer has advised that he wishes to claim for repair of the said fences. I have

obtained and completed an Incident Notification Advice Form from Perkins Slade but I would be grateful if you could complete a small section on the form to confirm I am a current member.

A. Although not strictly a question, it does raise some important issues. Firstly, never accept liability as this could prejudice any claim and secondly, to be covered by insurance the farmer would have to prove you were negligent in your actions, causing the cattle to "spook".

The members completed the accident form which was forwarded to me for verification of membership.

Q. Hi Trevor, quick question - I have been invited to put on a display of metal detecting finds at a public event so I was just wondering in the NCMD public liability insurance covers this?

A. Displaying finds is a recognised part of the hobby and the NCMD insurance is designed to give cover for such events. The cover of £10,000,000 is designed to cater for most organisers and council requirements. As with most requests of this type, it is important to inform the NCMD of the event.

Q. I recently ran over my detector while reversing, can I claim for a new one on the NCMD insurance.

A. Unfortunately the insurance policy does not cover accidental damage to personal property; you would have to claim off your motor insurance.

Q. I will be attending a metal detecting rally in Poland. Does the NCMD insurance cover me for this while I am on the rally?

A. Yes the NCMD insurance would cover you for detecting on the rally in Poland.

Q. I would be very grateful if you could advise on the following problem, we the committee members are experiencing at the moment. A few members insist on bringing their dogs to club digs. We, the committee are not happy with this, as we are sure the NCMD insurance held by all members does not cover dogs on site. I would be very grateful indeed for clarification on this point,

A. The NCMD Public Liability Insurance does not cover members who bring dogs on to club outings, or while detecting alone. We would have to re-negotiate our cover should we wish to include damage done by members pets, which would obviously incur extra cost which we would then have to pass on. This would be unfair to the majority of members who do not take their pets along.

While the answers to the questions above can hopefully give guidance to members, each case must be treated separately and be dependent on the particular circumstances.

It is also important to remember that under no circumstances must any member accept liability for any claim which may arise. The decision as to liability will be assessed by our insurers.

Trevor Austin



Hey Mable fancy some fun ... which way did those detector thingies go? © Tyler Larson

The Rob and Karolyn Hatt Memorial Trophy Competition – The Final



The Robin and Karolyn Hatt Competition brings to the fore the result of detectorists hard work, skill and dedication.

Each year brings a wonderful selection for the three categories: Coin, Artefact and Hoard. The competition table looked very healthy, proving there were still many exciting finds to be made in 2010.

Once again we were pleased to see entries from Central Register Clubs, and Individual members included, through the posting and voting facility on our own NCMD Forum.

After a hard fought battle in both the Artefact and Coin sections, with a tie for first place, it fell to Harry Bain, Searcher editress, to make a final decision. It is always so difficult to differentiate between the quality of the finds.

The Final Judging Results are as follows:



John Wells Receiving the Trophy for best Artefact on Behalf of Royston Greenacre

Best Artefact

1st 14th Century Ring Brooch, Royston Greenacre, Coventry Heritage Detector Society, Midlands Region.

2nd Roman wine-jug handle, FINDER – Graham Dale, Hoyland Club, Yorkshire Region.

3rd Roman gold finger ring, FINDER – Anthony McCormick, North West Region.

Best Coin

1st Silver penny of William III, FINDER – Chris Matthews, Warwickshire Club, Midlands Region.



Images courtesy of Daniel Wright

2nd Gold 2 Escudo (or cob) 1665-1700, FINDER - Jim Burvill, Ipswich Suffolk Club, Anglian Region.

3rd Coenwulf penny, 805-810, FINDER – Graham Dale, Hoyland Club.

Best Hoard

The Frome Hoard, FINDER – Dave Crisp, Trowbridge & District Club, Western Region.



Dave Philpotts Receives the Best Hoard Trophy on Behalf of Dave Crisp

Once again we would like to thank Daniel Wright for giving up his Sunday to attend the meeting, where he took photos of the finds and of the whole proceedings. His shots are of excellent quality and skill. We are extremely grateful to him. I hope he enjoys the bottle of his namesake.

To find something of such quality that is able to compete at this level is something every competitor should be proud of. Many thanks to those clubs who organised their competitions, and thanks also to the delegates who travelled on your behalf to regional meetings and then on to the National Council meeting with their region's entries.

Hilary Fagen
Competition Manager



Frome Hoard
© Somerset County Council

Review of the Treasure Act Code of Practice – Part 4 continued

Trevor Austin

Following on from the last issue in which I discussed the proposed Coroner for Treasure, which is being considered by the DCMS. No sooner had that issue of Digging Deep come off the press, than I received a letter from the Minister Ed Vaizey informing me that the proposal for a single Coroner for Treasure, within the British Museum structure, had been considered by the Treasury Solicitors with the following conclusion.

"After careful consideration of your proposal, we have concluded that it would not be appropriate for the CFT to be housed at the BM or for the treasure team at the BM to provide administrative support to

the Coroner for Treasure. The main reason for this is that there is a clear potential conflict of interest. This arises because under the Treasure Act and Code of Practice the BM, as the national museum, has first refusal to acquire treasure items found in England. If the relationship between the BM and the CFT is perceived to be too close then questions may arise about the influence of the BM over the coronial process. The lack of a proper separation of the CFT from the BM would be damaging to the role of the CFT and this is something that we must ensure is avoided. We have consulted with the Coroners' Society of England and Wales and they share this

view. We do not believe that this potential conflict of interest is one which can be dealt with by any internal safeguards that might be put in place.

We are continuing to consider options for funding the Coroner for treasure post and will keep you informed about this once we have reached a conclusion."

The NCMD agrees with these conclusions and has decided not to challenge its decision; however that does not mean we have abandoned our support for a single Coroner for Treasure, or the reasons for its implementation, which I have outlined in detail in earlier issues, quite the contrary.

I know that Ed Vaizey has been pursuing alternative options for both administration and funding and the BM are also keen to progress the issue. However the problem of funding still remains and the Ministry of justice, the DCMS and the BM seem to be the only ones who can come to an arrangement on this, there is going to be no extra funding from anywhere else, so the estimated £150,000 cost, which is small change in the scheme of things, will have to come from existing budgets. I know that Ed Vaizey offered to share costs with the Ministry of Justice (MoJ) but they declined.

See *separate story* the report of the subsequent meeting on the cover.

Museum Acquisition of Treasure items

I recently received a telephone call enquiring about the delay in payment of an item previously valued by the Treasure Valuation Committee (TVC). This has prompted me to write and try to explain some of the reasons behind unforeseen delays.

The speeding up of inquests by the introduction of a single Coroner for Treasure is one area that I have covered comprehensively elsewhere in these pages, so I will be looking at those areas that can have just as much influence on the treasure procedure.

One of those areas, which although not a regular occurrence, can inflict unexpected delays, is the withdrawal from acquisition by the acquiring museum. The reasons for this can vary from case to case, however there is a need to look at the problem in more detail with a view to reducing the number of withdrawals.

Firstly though let me clear up one point that many finders are unaware of, and can have a bearing on a museum's decision to withdraw. All museums, including

the British Museum, do not have any funds set aside for the acquisition of treasure finds. The museum has to apply for funding for any item it wishes to acquire through funding bodies such as **The Hedley Trust, The Victoria and Albert Museum and The Heritage Lottery Fund**. This in itself can pose problems for lower value items as many funding bodies have a £500 minimum for purchase grants. When you consider that the value of the majority of treasure finds fall below this minimum, the sources of funding for such items can

become severely restricted. Another area, which although designed to speed up the handling of cases, can occasionally catch the museum unprepared, is the declaration of interest by a museum.

When an item of potential treasure is delivered, at the direction of the coroner, to the Finds Liaison Officer (FLO), one of their responsibilities is to enquire with both local and national museums as to their interest in acquiring. Although it may seem to be 'jumping the gun' by making these



2008 T325 ©Trustees of the British Museum



2008 T549 plaque ©Trustees of the British Museum



2009 T670 French seal ©Trustees of the British Museum



2009 T755 ©Trustees of the British Museum



2006 T073 ©Trustees of the British Museum

enquiries before the item has neither been declared treasure by a coroner or valued by the TVC. It is intended to speed up the system and if no museum wishes to acquire the item, the Crown's interest can be disclaimed and the find returned to the finder/landowner, thus saving the time it would have taken to go to inquest and then to the TVC.

However, as we will see later from the data, although museums will have a rough idea of the finds worth, and in some cases may have had professional advice, the provisional valuation by the trade or the eventual valuation by the

TVC may in some cases exceed their expectations, causing them to withdraw; and from the data below we can see that just less than 60% of the museums listed withdrew after receiving the valuation from the TVC.

Let us have a look at the delay caused by an unusual combination of events that occurred with 2009 T755:

Discovered in December 2009 and valued by the TVC in November 2010, the original acquiring museum, Reading, withdrew in February 2011, therefore the treasure team had to find another museum interested in acquiring the find. Windsor museum expressed an interest in

acquiring the find and were invoiced in June 2011, museums are given four months to secure funding from the date of invoice, and the treasure team received payment for the find in early October 2011 for disbursement to the finder and landowner. As you can see, the decision of the Reading Museum to withdraw, for whatever reason, at such a late stage meant that an extra eight months were added to the process.

The fact that it took nearly a year from valuation by the TVC to the finder receiving his reward does nothing to endear the system to finders and is just one example where acquiring museums have caused unexpected delays.



2009 T648 ©Trustees of the British Museum

It is difficult to see how, in today's financial climate, a reduction in museum withdrawals can be achieved. However, where tardiness is evident, museums need to understand that they are part of a procedural chain, and that they need to make sure they are not the weak link in that chain.



2010 T122 Bodkin ©Trustees of the British Museum



Calling All Minelab Detectorists...

"The E-TRAC was the only machine out of our club to pull up 2 whole hammered coins"

Julian Whittaker Isle of Wight

For Minelab's first appearance in 'Digging Deep', we would like to mark the occasion by welcoming submissions for...

Minelab Club of the Year – UK

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The submissions will be judged by the Minelab Panel and the successful Club will win a £500 voucher and a special Minelab Award.

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Closing date for submission of entries is 31st January, 2012.
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I have included a chart of museum withdrawals over the last two years giving the treasure case number, the original acquiring museum, at what stage the museum withdrew, time of withdrawal and eventual deposition of the find.

I would like to thank Janina Parol and Caroline Lyons, Assistant Treasure Registrar's, for compiling the data.

The treasure team can be contacted anytime Monday to Friday on 020 7323 8243 (before the case has been to inquest) or on 020 7323 8509 (for when the case has been to inquest and is being valued).



2010 T330 ©Trustees of the British Museum



2009 T070 ©Trustees of the British Museum

Trevor Austin

PV = museum that withdrew after the provisional valuation sent

RV = museums that withdrew after the recommended valuation sent

Inv = museums that withdrew after the invoice is sent

| T-number | Museum that withdrew | PV | RV | Inv | Date withdrawn | Subsequent action |
|-----------|--------------------------------|----|----|-----|----------------|-----------------------|
| 2009 T670 | Newark M | | | x | 04/08/2010 | Returned to Finder |
| 2009 T070 | Norwich Castle Museum | | | x | 24/08/2010 | Returned to Finder |
| 2010 T122 | Guildford M | x | | | 26/08/2010 | Returned to Finder |
| 2009 T727 | Isle of Wight Heritage Service | x | | | 26/08/2010 | Returned to Finder |
| 2008 T530 | Oxfordshire Museum Service | x | | | 31/08/2010 | BM acq |
| 2008 T729 | Oxfordshire Museum Service | x | | | 31/08/2010 | Ashmolean acq |
| 2009 T113 | Oxfordshire Museum Service | x | | | 31/08/2010 | Ashmolean acq |
| 2007 T546 | Oxfordshire Museum Service | x | | | 31/08/2010 | Vale & Downland M acq |
| 2008 T354 | Oxfordshire Museum Service | x | | | 31/08/2010 | BM acq |
| 2007 T487 | Oxfordshire Museum Service | x | | | 31/08/2010 | Wantage M acq |
| 2007 T488 | Oxfordshire Museum Service | x | | | 31/08/2010 | Ashmolean acq |
| 2008 T325 | Diss M | | | x | 14/09/2010 | Returned to Finder |
| 2009 T109 | Colchester & Ipswich M | | | x | 14/09/2010 | Returned to Finder |
| 2008 T620 | Doncaster Museum & Art Gallery | | x | | 27/09/2010 | Returned to Finder |
| 2009 T085 | Eastbourne M | | x | | 28/09/2010 | Returned to Finder |
| 2008 T268 | Leicestershire CCHS | | | x | 28/09/2010 | Returned to Finder |
| 2009 T627 | Bedford M | | x | | 01/10/2010 | Returned to Finder |
| 2009 T292 | Bedford M | x | | | 01/10/2010 | Returned to Finder |
| 2009 T158 | Worcestershire County M | | x | | 02/10/2010 | Returned to Finder |
| 2005 T386 | Yorkshire Museum Service | | | x | 04/10/2010 | Returned to Finder |
| 2009 T243 | Colchester & Ipswich M | | x | | 04/10/2010 | part acq by BM |
| 2007 T505 | British Museum | x | | | 06/10/2010 | Returned to Finder |
| 2010 T270 | Chichester District M | | x | | 14/10/2010 | Returned to Finder |
| 2010 T330 | Isle of Wight Heritage Service | x | | | 15/10/2010 | Returned to Finder |
| 2009 T136 | Gloucester City M | | x | | 18/10/2010 | TBD |
| 2010 T021 | Littlehampton M | | x | | 29/10/2010 | Returned to Finder |
| 2009 T092 | Museum of London | x | | | 03/11/2010 | Returned to Finder |
| 2009 T684 | Royal Institute of Cornwall | | x | | 04/11/2010 | Returned to Finder |
| 2009 T312 | Royal Institute of Cornwall | | | x | 04/11/2010 | Returned to Finder |
| 2009 T368 | British Museum | | x | | 05/11/2010 | Returned to Finder |
| 2009 T416 | Somerset County Museum | x | | | 05/11/2010 | BM withdrew |
| 2007 T300 | Derby M | | x | | 12/11/2010 | Returned to Finder |
| 2008 T225 | Royal Albert Memorial M | | | x | 12/11/2010 | Returned to Finder |
| 2010 T060 | Isle of Wight Heritage Service | | x | | 08/12/2010 | Returned to Finder |
| 2009 T706 | Isle of Wight Heritage Service | | x | | 10/12/2010 | Returned to Finder |
| 2009 T292 | Bedford M | | x | | 15/12/2010 | Returned to Finder |
| 2009 T627 | Bedford M | | x | | 15/12/2010 | Returned to Finder |
| 2008 T718 | Somerset County M | | x | | 22/12/2010 | Returned to Finder |
| 2008 T592 | Salisbury & South Wiltshire M | | x | | 29/12/2010 | Returned to Finder |
| 2010 T023 | Salisbury & South Wiltshire M | | x | | 29/12/2010 | Returned to Finder |

| T-number | Museum that withdrew | PV | RV | Inv | Date withdrawn | Subsequent action |
|-----------|-------------------------------|----|----|-----|-----------------------|----------------------------|
| 2010 T267 | Bedford M | | x | | 06/01/2011 | Returned to Finder |
| 2009 T066 | Hampshire Museum Service | | x | | 07/01/2011 | TBD |
| 2009 T646 | Yorkshire Museum Service | x | | | 20/01/2011 | Returned to Finder |
| 2006 T485 | Hampshire Museum Service | | x | | 20/01/2011 | Returned to Finder |
| 2007 T059 | Hampshire Museum Service | | x | | 20/01/2011 | Returned to Finder |
| 2008 T407 | Hampshire Museum Service | | x | | 20/01/2011 | Returned to Finder |
| 2009 T234 | Hampshire Museum Service | | x | | 20/01/2011 | Returned to Finder |
| 2009 T250 | Somerset County M | | x | | 24/01/2011 | Returned to Finder |
| 2010 T191 | Wiltshire Heritage Service | x | | | 26/01/2011 | Returned to Finder |
| 2009 T755 | Reading M | | x | | 02/02/2011 | Windsor M hopes to acq |
| 2009 T289 | Shropshire MS | | x | | 02/02/2011 | Returned to Finder |
| 2009 T420 | Hampshire Museum Service | | x | | 04/02/2011 | Returned to Finder |
| 2010 T153 | Salisbury & South Wiltshire M | | | x | 18/02/2011 | Returned to Finder |
| 2009 T674 | Hereford M | | x | | 22/02/2011 | Returned to Finder |
| 2009 T460 | British Museum | | | | 25/02/2011 | Returned to Finder |
| 2007 T167 | Hampshire Museum Service | | x | | 02/03/2011 | Returned to Finder |
| 2009 T229 | Museum of London | | x | | 02/03/2011 | Returned to Finder |
| 2008 T405 | Lewes M | | x | | 03/03/2011 | BM acq |
| 2009 T381 | Lewes M | | x | | 03/03/2011 | BM acq |
| 2008 T427 | Lewes M | | x | | 03/03/2011 | BM acq |
| 2008 T549 | Lewes M | | x | | 03/03/2011 | Returned to Finder |
| 2009 T501 | Colchester & Ipswich M | | x | | 10/03/2011 | Returned to Finder |
| 2009 T579 | Colchester & Ipswich M | | x | | 10/03/2011 | Returned to Finder |
| 2010 T255 | British Museum | | | | 15/03/2011 | Returned to Finder |
| 2010 T589 | Museum of Lancashire | x | | | 15/03/2011 | Returned to Finder |
| 2008 T501 | Newark M | | | x | 15/03/2011 | Returned to Finder |
| 2009 T554 | Yorkshire Museum Service | | | x | 16/03/2011 | Returned to Finder |
| 2008 T088 | Oxfordshire Museum Service | | x | | 21/03/2011 | Returned to Finder |
| 2008 T089 | Oxfordshire Museum Service | | x | | 21/03/2011 | Returned to Finder |
| 2009 T648 | British Museum | | x | | 24/03/2011 | Returned to Finder |
| 2009 T692 | North Hertfordshire M | | x | | 01/04/2011 | Returned to Finder |
| 2010 T177 | Priests House M | | x | | 05/04/2011 | Fitzwilliam M hopes to acq |
| 2008 T497 | Oxfordshire Museum Service | | x | | 13/04/2011 | Returned to Finder |
| 2009 T540 | Oxfordshire Museum Service | | x | | 13/04/2011 | Returned to Finder |
| 2009 T598 | Ware M | | x | | 13/04/2011 | Returned to Finder |
| 2008 T473 | Leicestershire CCCHS | | x | | 13/04/2011 | Returned to Finder |
| 2009 T110 | Colchester & Ipswich M | | x | | 14/04/2011 | Returned to Finder |
| 2010 T192 | Museum of London | x | | | 27/04/2011 | Returned to Finder |
| 2009 T043 | Hampshire Museum Service | | | x | 27/04/2011 | BM acq |
| 2009 T375 | Warwickshire M | | x | | 11/05/2011 | Returned to Finder |
| 2009 T499 | Colchester & Ipswich M | | x | | 13/05/2011 | Returned to Finder |
| 2006 T073 | Peterborough M | | x | | 03/06/2011 | Returned to Finder |
| 2009 T615 | Colchester & Ipswich M | | x | | 10/06/2011 | Returned to Finder |
| 2008 T629 | Horsham M | | x | | 13/06/2011 | Returned to Finder |
| 2010 T400 | Ware M | | x | | 23/06/2011 | Returned to Finder |
| 2010 T367 | British Museum | x | | | 01/07/2011 | Returned to Finder |
| 2010 T274 | British Museum | | x | | 01/07/2011 | Returned to Finder/1 |
| 2009 T449 | Harlow M | | x | | 04/07/2011 | Returned to Finder |
| 2008 T622 | Yorkshire Museum Service | | x | | 08/07/2011 | Returned to Finder |
| 2008 T672 | Yorkshire Museum Service | | x | | 08/07/2011 | Returned to Finder |
| 2008 T723 | Yorkshire Museum Service | | x | | 08/07/2011 | Returned to Finder |
| 2010 T578 | Yorkshire Museum Service | x | | | 21/07/2011 | Returned to Finder |
| 2010 T225 | St Neots M | x | | | 22/08/2011 | Returned to Finder |
| 2010 T405 | Newark M | | | x | 24/08/2011 | |
| 2009 T191 | Newark M | | | x | 08/09/2011 | |
| 2010 T709 | The Herbert (Coventry) | x | | | 08/09/2011 | |
| 2010 T764 | Yorkshire Museum Service | x | | | 08/09/2011 | |
| 2009 T537 | Gloucester City M | | x | | 08/02/2011 & 10/05/11 | A & RTF (3 coins) |

Total after approx 1 yr

23 60 14

Technically Treasure

A proposal for streamlining the acquisition of minimal interest or value treasure finds

It comes as no surprise to most finders that the length of time taken for items of treasure to pass through the system can be inexorably long. The Treasure Valuation Committee (TVC) has seen its workload increase from around 27 cases in 1997 to its current level of 779 reported treasure cases in 2009.

Although many of these are disclaimed and returned to the finder, with this level of increase it should be expected that delays are inevitably going to creep in, but is there any alternative for dealing with certain objects, which although technically treasure, have no other attributes which would afford them the title? I believe that there is, and given the right support could be adopted on a pilot basis. The purpose of this voluntary scheme would be to allow a museum with an interest in an item to negotiate and agree a value with the finder and landowner and then notify the TVC of that agreed value.

Firstly let us look at the type of finds which could be covered. Fig 1 and Fig 2, "Returned to finder after being disclaimed as Treasure". This is typical of many finds returned to the finder when no museum wishes to acquire the find, the finder/landowner are then free to dispose of the item as they see fit and in some cases are subsequently bought by local museums for a mutually agreed price.



Figure 1 © Trustees of the British Museum.

However there are a large number of these types of finds, which although they have little or no commercial value, are acquired through the treasure process. It is highly unlikely they will ever see



Figure 2 © Trustees of the British Museum.

the inside of a display case, and are usually acquired for academic or research interest. These acquired finds have to complete the treasure process from reporting, assessing, inquest and valuation, which is both time consuming and costly, in fact in most cases the cost greatly exceeds the monetary value of the find and the eventual reward can vary from as little as £10, and if such a model was used in the commercial sector, it would be unsustainable.

At the moment any find, usually of

minimal interest or value that no museum wishes to acquire, is disclaimed by the Crown and returned to the finder/landowner. This usually occurs before inquest and valuation, enabling the find to be dealt with quickly. It is my belief that there is a good case to answer for this procedure to be extended to cover minimal interest or value finds which museums wish to acquire through the treasure process, enabling finds to be disclaimed prior to inquest and valuation under 'Local Arrangements' for items with an

agreed market value for example of less than £100.

If we look at Fig 3, (2010 T42), this find was discovered on 1 April 2009 and after going through the treasure process the local museum was invoiced in September 2011, the agreed valuation was £10. Such cases are prime candidates for 'Local Arrangement' with both time and money expended far in excess of the value of the find.

Interestingly in 2011 out of the 320 cases the TVC viewed, 288 were new cases, of which 135 were valued at less than £100 and of these only four were challenged by either the finder, landowner or acquiring museum. Clearly there is potential for many of those 131 unchallenged cases to be dealt with under 'Local Arrangement' benefiting all interested parties as well as government expenditure.

Proposed detail of operation

1. Finder reports his discovery to local museum FLO and a treasure receipt is issued.
2. A report on the find is prepared by the local museum.
3. Finder and landowner are informed by the museum that the find may qualify for 'Local Arrangement'.
4. If the finder and landowner and museum wish to pursue a valuation under 'Local Arrangement' a joint or separate valuation is sought by the museum*.
5. If the valuation/s exceed £100. The find passes through the treasure process in the normal way.
6. If either of the interested parties



Figure 3 © Trustees of the British Museum.

disagree the valuation, they can withdraw from 'Local Arrangement' at any time and the find passes through the treasure process in the normal way.

7. If the find is valued less than £100 and all parties agree the valuation, a joint agreed valuation is forwarded to the TVC.
8. If the TVC agrees with the valuation, a recommendation is made to the secretary of state that the item be disclaimed under 'Local Arrangement'.
9. If the TVC disagrees with the valuation, the TVC will commission one of its provisional valuers to comment on the valuation. If the independent valuer thinks that the agreed value is not a fair price then he or she should give their own valuation.

So could we see an alternative for these types of minimal interest and value finds?

Well, it would firstly need an agreement on the procedure by interested parties including finders/landowners, museums, PAS and the DCMS in order to facilitate a change to the Treasure Act Code of Practice.

Secondly one must be sure that the process is sufficiently searching and flexible to enable all interested parties to be involved in the agreement and sharing of the reward, in accordance with the Code of Practice. It would not do, for example, if the reward were shared by agreement between finder and occupier only to find later that there was a landowner to whom the TVC might have recommended payment of part of

the reward.

Thirdly the 'local' process would have to be sensitive to potential controversies. These would include reward sharing agreements among interested parties, and the disputes to which they sometimes give rise, and incidents of alleged misconduct by one or more parties. The TVC has professional expertise that enables it to deal with issues of reward apportionment and the abatement of rewards. There is also a public interest in the abatement of rewards, which prevails regardless of value or of the parties' willingness to overlook such matters. Any dispute about reward sharing, and any situation where there is a potential case for abatement of reward, should continue to go through the TVC.

Fourthly the outcome of local

assessment would have to be a voluntary arrangement between interested parties; with either party free to pursue the normal course of events should an agreement not be reached.

Fifthly both parties will need to be assured of an objective valuation, which does not favour the other party, and their acceptance of which does not threaten to give rise to later allegations of undue influence or exploiting some relevant disadvantage.

Sixthly, the mechanism for disclaiming the Crown's interest would need to be extended to cover 'Local Arrangement'.

Trevor Austin

**Usually this will be an agreed valuation between the interested parties rather than a private valuation, the cost of which may exceed the value of the find.*

What to do when you find Treasure

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 misinterpreted and 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 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.

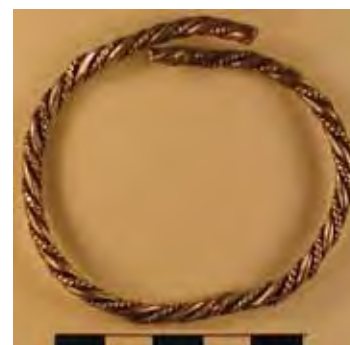
If they contain more than 10% precious metal then there need only be two. Only the following groups of coins will normally be regarded as coming from the same find:

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



A silver bracelet made up of one rod of circular section and two smaller intertwined rods, creating a rope. Due to uncertain date the item was returned to finder. © Trustees of the British Museum.

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.



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



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

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 a 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

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 your 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



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

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.

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

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



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



Both the coins were struck in the reign of Carausius (AD 286-93), one at the mint of London, the other the mint of Rouen. © Trustees of the British Museum.

permission. For example a find consisting of material still in situ such as a pot containing a coin hoard, can yield 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 quiet 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 sent relevant forms to complete.

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.

A Retrospective Summary 2001-2011

By Norman Palmer

Dear Minister

Treasure Valuation Committee

As you will know, my Chairmanship of the Treasure Valuation Committee ended on 5th May 2011 after a ten-year term of service. Before becoming Chairman I served for three years as a member, bringing my years of service to thirteen.

You may find it interesting to have a short account of salient events over my term as Chairman and of some of the principal matters that have pre-occupied the Committee. This is contained in the enclosed document.

The work has been exceptionally interesting and I have learned much from it. In my opinion the Committee is a valuable instrument of heritage protection.

Both the Department and I owe an exceptional debt to the past and present members of the Committee for their industry, expertise and dedication.

Yours sincerely

Norman Palmer

[A] Overview of functions

1. My appointment as Chairman of the Treasure Valuation Committee comprised two successive terms of five years each, extending from 2001 to 2011. During that time the Treasure Valuation Committee:

- administered an unprecedented volume of finds (in excess of 2,200 over the decade);
- superintended the entry into the public domain of antiquities of first national significance and wide public interest
- initiated and put into practice procedural reforms designed to expedite the treasure process and increase its fairness to parties
- continued to observe principles of fairness, objectivity and visible justice

- advised government departments on law reform and policy
- advised the Minister on legal challenges and appeals
- conducted exploratory exchanges with government legal advisers on matters relevant to the reward system
- contributed to public debate on law and policy for archaeology, museums and the national heritage
- maintained effective working relations with other bodies and individuals in the field
- promoted the public appreciation of the treasure system and portable antiquities scheme
- assisted the education of students of cultural property
- maintained public faith in the treasure system.

[B] The functions in detail

"Administered an unprecedented volume of finds (in excess of 2,000 over the decade)"

2. The number of finds reported, declared treasure by the coroner and processed since

the implementation of the Treasure Act 1996 has risen sharply throughout the period. In the calendar year 2001 the number of finds considered was 99, and in 2010 it was 236. The number from 1st January 2011 to 5th May 2011 has been 49. The average annual number between 2001 and 2010 was 222. The total number from 1st May 2001 to 5th May 2011 was 2272. The number of finds for consideration has increased with the 2002 amendments to the Treasure Act 1996 and with the Committee's undertaking responsibility in 2007 for finds from the Isle of Man.¹

3. The valuation process demands from the Chairman and Committee a detailed understanding of the Treasure Act, the Code of Practice, the underlying general law and all relevant markets. Among the Committee's tasks are identifying and appointing valuers, commissioning valuations, questioning the premises on which particular valuations have proceeded, and bringing the Committee's own experience to bear on

individual market appraisals.

4. The matters affecting value are numerous. In a given case they can include the visual quality and professional standard of the object, its originality and rarity, its suitability to be worn, its proven or hypothetical historical association, its national or local significance, its potential for restoration, its potential latent virtues, the effect of non-professional exploratory intervention that affects the physical integrity of the object, the pressure on price exerted by specialist collecting groups² and the relevance of overseas markets. On occasions the Committee has, by analogy with law, proceeded on an evaluation of the prospective attributes of an object in circumstances that fall short of outright proof.

5. Many assessments require not only an appraisal of the capital value of the object but an analysis of circumstances that might warrant an abatement of the sum payable. A further common task to be overseen by the Chairman is the apportionment of rewards among relevant interested



¹ Information supplied by Ian Richardson, British Museum, Secretary to the Treasure Valuation Committee. The Chairman is indebted to the Secretariat of the Committee at the Museum, and to Mr Richardson in particular, for their efficient support to the Committee.

² Such as those concerned with medical artefacts, hawking paraphernalia, thimbles, bodkins.

- parties. Apportionment may require the Committee to consider relationships, agreements and disputes among finders, landowners and other connected parties.
6. Such questions call for careful analysis of evidence in circumstances where accounts and memories may differ sharply. In addressing these questions the Chairman has often been obliged to formulate *ad hoc* legal opinion and to communicate that opinion to government legal advisers.
7. The issues can be highly contentious. The Committee has observed an increasing tendency by landowners and finders to engage private legal advice. Cases often fall to be considered over several meetings. Contentious matters, together with the provision of advice on policy, occupy an increasing proportion of the Committee's time.
8. A further responsibility of the Chairman has been participation in the process for appointing new members to the Committee. This has involved advising on the sifting of applications and the taking of references and participating at interviews. Formal standards of transparency and objectivity have increased the time now dedicated to appointments.
- "Superintended the entry into the public domain of finds of first national significance and public interest"
9. The Committee has conducted successful valuations of a significant number of rare objects that possess outstanding value to archaeology. Such objects have captured the public interest. Dealing with them has enabled the Committee to stimulate, through the treasure system, the general public enjoyment of history.
10. Examples of such outstanding finds are the Vale of York Hoard of Viking silver in 2007, the Staffordshire Hoard of Anglo-Saxon gold in 2009 and the Frome Hoard of Roman coins in 2010. The Staffordshire Hoard demanded a detailed historical, commercial and mathematical analysis of over 1,600 items considered in a variety of contexts, and commanded wide media attention.
11. These discoveries, along with numerous other hoards and individual items, have now passed into the public domain.
- "Initiated and put into practice numerous reforms designed to expedite the treasure process and increase its fairness to parties"**
12. The reforms that the Committee has adopted include a fast-track system for the valuation of particular 'starred' classes of antiquity and a system of active case management.
13. Active case management is modeled on one of the principles underlying the reform of the civil justice system in 1998 and owes its adoption to the Chairman's experience as a practising barrister. It takes its cue from the legal aphorism that justice delayed is justice denied.
14. Among other initiatives the policy requires the Committee to:
- maintain a constant supervision over the progress of cases to identify ways in which they can be expedited and managed more fairly, and
 - anticipate in timely fashion matters that might arise at forthcoming meetings, with the object of intercepting and resolving them by action taken between meetings, thus ensuring that they do not delay or otherwise hinder the Committee's final deliberations in full session.
15. In complex cases the Chairman has simplified proceedings by writing and distributing in advance a chronology, *dramatis personae* and summary of the arguments for and against a given course of action, in terms akin to the brief that an instructing solicitor might prepare for counsel. This provides guidance for the Committee on the day and expedites proceedings.
- "Observed principles of fairness, objectivity and visible justice"**

16. The Committee adheres to the rule that it will neither omit to consider matters that it is required to consider nor consider matters that it is not entitled to consider. One of the Chairman's principal duties is to ensure that this principle is maintained. Such discipline is an essential ingredient in the duty to consider cases fairly.
17. Observance of due process requires members to show an unflinching grasp of the Committee's terms of reference and of the precepts embodied in the Code of Practice. It also requires reference to the legal rules under which the Committee operates.
18. In keeping with these principles the Committee extends unflinching courtesy towards concerned parties and encourages others involved in the treasure process to act similarly.
- "Advised government departments on law reform and policy"**
19. The Committee receives

- invitations to advise government on questions of law, ethics, policy and administration within the broad field of portable heritage protection.
20. The Committee's advice proved influential in persuading the Department (contrary to other advice) to sponsor the enactment of the new criminal offence in section 8A of the Treasure Act 1996, thus enabling the conviction of acquirers of treasure who fail to report acquisitions.
21. Other issues on which the Committee has advised government over the past five years include:
- the arguments in favour of a specialist Coroner for Treasure
 - the centralization and rationalization of the Coroner's administrative functions
 - the identification of matters requiring amendment in the Code of Practice and of questions

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32 PAGE PAS Annual Report 2009/2010

The report covers the work of the PAS in 2009 and 2010 and highlights some of the most important discoveries recorded by the PAS, including Treasure finds such as the Staffordshire and Frome Hoards, but also (seemingly) less spectacular objects which are also adding to archaeological knowledge.

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warranting consideration in the pending Review of the Code.

“Advised the Minister on legal challenges and appeals”

22. Where an appeal is made to the Minister following his or her acceptance of a recommendation of the Committee, the Minister characteristically refers the matter to the Committee for reconsideration in the light of the grounds of appeal.

23. This is an additional function of the Committee and one that is likely to assume increasing prominence.

“Contributed to public debate on law and policy for archaeology, museums and the national heritage”

24. The Committee has become a major contributor to public debate on the law and policy concerning archaeology, museums and the national heritage. Through the varied character of its membership and its willingness to advise on questions of policy it has developed a reputation for experience and authority in its field. In consequence the Committee is regularly called upon for specialist advice by legislators, educators and others.

25. Matters of public debate on which the Committee has advised in recent years include those that are listed as subjects of ministerial advice. The Chairman has also given advice on behalf of the Committee to such bodies as the All Party Parliamentary Archaeology Advisory Group, the Council for British Archaeology and the British Museum. Questions on which he has advised includes:

- the defraying of museum conservation costs from the invoice value of finds, and
- the development of laws that curtail transactions in inadequately provenanced antiquities.

“Conducted exhaustive exploratory exchanges with government legal advisers on matters relevant to the reward system”

26. Questions before the Committee often hinge on the interpretation of neutral or ambiguous terms in the Code

of Practice. The Committee must sometimes apply complex abstract principles of public and private law to particular situations.

27. Settling these questions has called for consultation between the Chairman acting on behalf of the Committee and the office of the Treasury Solicitor. Contact is normally by letter and telephone but has on occasions required the Chairman to attend meetings with government advisers.

28. Over the past five years the matters for analysis have included:

- the conditions necessary to secure a fair hearing for all parties and the period over which one interested party may continue to make to the Committee representations that might reasonably have been made earlier
- the proper form in which findings of a coroner must be expressed in order for the Committee to be enabled to act upon them
- the identification of finders for the purposes of reward and the participation of other interested parties in rewards
- the impact of misconduct by landowners on the quantum and apportionment of rewards

- the operation and role of the Committee in the appeal process

- the circumstances in which a finder who reports a find to archaeological authorities may receive a reward in respect of later discoveries within the same or a contiguous area
- the relevance of the United Kingdom export licensing system to the assessment of market value

- the principle that a participant in an archaeological investigation shall not participate in any reward.

“Maintained close relations with other bodies and individuals in the field”

29. The Committee recognizes its dependence on the co-operation and goodwill of outside entities. It tries to ensure that its work is fully understood by all groups connected to the treasure process. These include experts on market prices, funding organizations, metal detecting interests, museum staff and those administering the portable antiquities scheme.

30. To this end the Committee has

- organized meetings with particular groups such as valuers, coroners and the

Art Fund

- issued invitations to others to attend sessions of the Committee
- corresponded with organizations both on matters of general principle and on the rationale of particular rewards.

31. The Committee acknowledges its recurrent debt to those who contribute to its deliberations.

“Promoted the public appreciation of the treasure system and portable antiquities scheme and the value of history to society”

32. Members of the Committee have publicized the work of the Committee in television interviews, press interviews and magazine articles. For example:

- in 2004 the Committee co-operated in the production of a Channel 4 television series on popular archaeology that showed the Committee in session.
- following the announcement of the valuation of the Staffordshire Hoard in November 2009 the Chairman gave several television interviews for domestic and foreign channels.
- Mr Trevor Austin, Secretary to the National Council



for Metal Detecting and a long-standing member of the Committee, writes frequently in the archaeological press about finds of portable antiquities and the issues surrounding them.

- members of the Committee attend meetings of detecting societies and other interest groups
- the Chairman addressed a weekend meeting of the National Committee in June 2010 and has accepted over seventy invitations to explain the treasure system of England and Wales to overseas lawyers, museum curators and archaeologists.

33. It is proper to mention in this regard the indefatigable work of Dr Roger Bland OBE, Head of Treasure and Portable Antiquities at the British Museum, in administering the treasure regime and the portable antiquities system and in enlightening the public

and the related professions about the Committee's work.

"Assisted the education of students of cultural property"

34. The Committee has allowed a small number of responsible students to attend its meetings as observers on appropriate terms of confidentiality. Those invited to observe the proceedings have included students of archaeology, law and public administration. While most observers have been United Kingdom graduates, others have come from Europe and the Commonwealth.

35. The Chairman responds to questions from doctoral and other students about the work of the Committee. The same is true of Dr Bland and other members of the Committee's secretariat.

"Maintained public faith in the treasure system"

36. The Committee works to keep faith with its varied constituents and to maintain trust and confidence in the

treasure system.

37. There is a general atmosphere of trust among parties who two decades ago were inclined to question the balance between professional archaeology and the public responsibility for discovered antiquities.

Final remarks

38. The nation's stewardship of its treasure appears sound. There seems to be a general belief that the system is effective and works fairly.

39. There is however vigorous debate as to how the system might be improved. In addition of course individual parties assert reservations about results in specific cases.

40. Our policies on treasure and portable antiquities are respected in other countries.

41. The treasure regime and the portable antiquities scheme receive active support from the public. They could not work effectively without this support.

42. The Treasure Valuation Committee is integral to the national system and to the support that it commands.

43. The Treasure Valuation Committee relies heavily on the power of connected entities to perform their functions efficiently and according to law. Such entities include coroners, the British Museum, finds liaison officers and the archaeological services at large.

44. Miscarriages and misunderstandings that occur earlier in the system can be hard to correct, can undermine the treasure valuation process and can have detrimental legal consequences.

45. All connected entities must be adequately funded and trained. To skimp on this is a false economy.

**Norman Palmer QC (Hon)
CBE FSA
25th July 2011**

SCOTLAND REGION

Conflict Archaeology Conference

On 7 – 9 October 2011, the Centre for Battlefield Archaeology, University of Glasgow, hosted its first postgraduate conference in Conflict Archaeology.

Members may recollect from an earlier edition of *'Digging Deep'* that Scottish clubs were involved in October 2009 in carrying out a detailed survey exercise on Prestonpans battlefield, much to the annoyance of some people in certain quarters of the archaeological fraternity. It was therefore agreed that a member of the Scottish Region should attend as an observer in case this particular topic reared its head, and Nigel Goldsmith, a member of the Scottish Artefact Recovery Group (SARG) kindly volunteered to attend on the Region's behalf.

Keynote speaker was Dr Tony Pollard who gave a very interesting account of the Jacobite rebellion. His talk covered Culloden,

Sherrifmuir, Prestonpans and Fort William, and he acknowledged the use of local metal detector clubs in the detecting survey at Culloden. Lots of analysis was made of musket balls, canister shot and cannon. He also expressed concern however that the battle was very badly misrepresented in the current tourist site i.e., Clan gravestones marked, although the bodies in reality would have been flung into any pit naked and not by clan tartan etc, which was a Victorian myth.

Dr Pollard also spoke about the local saying: "The 'Grave of the English' is a good place to walk your dog..." The 'Grave of the English' is another Victorian invention and part of the reason the whole campaign is distorted into a Scotland /England event instead of the British Civil War that it actually was. Today, the clan gravestones are covered in

cremation ashes from USA, Canada and Australia where ex-pats are foolishly asking to have their ashes scattered by their clan gravestone. Although the Government forces casualties were comparatively fewer, he stated that the graves of the Scots, English and Irish who died fighting for the Government side should also be commemorated.

Dr Pollard then went on to describe events at Prestonpans including the role of the metal detecting clubs involved in the 2009 survey. Thankfully, no adverse comments were made although it was disappointing to note his use of the word 'rally' to describe what was in fact a joint club outing. The Centre for Battlefield archaeology was made aware two years ago that rallies are commercial events.

There was a wide range of papers and topics presented at the

conference which would be too detailed to summarise in this publication, but a few are worthy of mention:

There was a talk covering social aspects of siege warfare, in particular the interaction between Roundheads and Cavaliers during English Civil War. Incidents such as Cavaliers being besieged and running out of booze, but to raise morale deciding to drink a series of toasts with nothing stronger than well water. Roundheads hearing the toasts and cheers from the besieged castle thought that the Cavaliers were getting 'well oiled' to launch an attack so they doubled all their guards on maximum watch.

Our grateful thanks go to Nigel for providing this summary of the conference.

Alastair Hackett



Everyone's a Winner!

Coventry Heritage Detecting Society's farm site liaison member Pam Finch was contacted by a farmer to see if a lost tractor part could be found. On a wet mid-week day a group made the trip (40 mile round trip) to help the search.

After a comprehensive field walk it couldn't be found, therefore it was detector time. The part was found to the delight of the farmer who said: *"You can stay as you're already here"*.

Dave Rumsey was lucky enough to find his first gold coin, a lovely

Edward VII half sovereign. This subsequently became modern coin Find of the Month and by agreement with the farmer Dave was allowed to keep the coin and a cheque was sent to a local cancer charity (Myton Hospice).

Everyone's a winner: The club's

prestige as a search and rescue facility. A first gold coin for the finder, the farmer gets his machine part back and the local cancer charity gets some finance.

Dave Rumsey

An evening's talk

By crotal bell expert Graham Palmer

On the evening of 7 September, Graham Palmer, Curator of the Aldebourne Bell Foundry in Wiltshire, travelled to Coventry to give a talk to detecting members of the Midland Region.

In an absolutely fascinating presentation, Graham, ably assisted by Dave Crisp of Frome Hoard fame, presented an audience of around 35 detectorists and partners with a veritable

cornucopia of crotal, clapper, hawking and church bells. Together with equipment used in the earliest manufacture of bells at the Aldebourne foundry, home of the Wells family and successive bell founders for over four hundred years, a quite amazing collection of bell ringing apparatus and virtually every size of crotal bell made from the smallest to the largest in the range were available

for scrutiny on his display racks and tables.

His detailed talk on these bells included an interesting overview of the distribution of bells by salesmen and pedlars alike over the whole of England and by itinerant founders whose wares often of all quantities and quality are now found throughout the British Isles by detectorists.

Graham has made a quite formidable effort in bringing to us such a large range of bells and equipment for our pleasure and is to be congratulated on his presentation. He is available for these talks and can be contacted firstly through the Midland Region Committee.

Byron Tosh



Coventry Heritage Weekend

The Coventry Heritage Weekend was held in September and a large number of local organisations had the opportunity to take part. Entry to various historical buildings not normally open to the public is granted by Coventry Council and space in them offered to local groups to use to set up displays and exhibitions of their particular sports, pastimes and hobbies. This is 'a not for profit' enterprise and one that we pulled all the stops out to take advantage of.

John Wells of the Midland Region

of the NCMD applied for a place to enable local detecting clubs to display their finds and present them in a way that the public would find both interesting and enlightening. We were offered the Drapers Hall, a highly desirable historical guild house dating from the early 19th century and right next to the ruins of the old Coventry Cathedral, for our virtually exclusive use (a group of people in period costume wandered the halls and corridors and added some realistic flavour

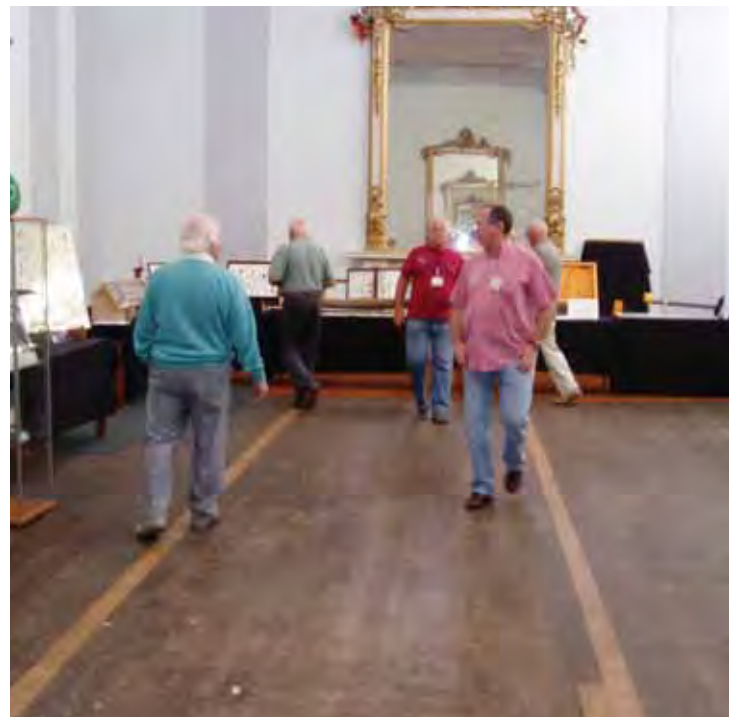
of the building's early years).

With his dedicated group of hardworking helpers, John set about planning a layout and preparing the building for what turned out to be a splendid display of finds from the earliest periods of historical times right up to the present day. Clubs such as the Coventry Historical Detector Society, the Warwickshire MDC and the Bloxwich Club took part and hopefully, if this venue is again made available to us next year, we will put on an even more

representative Midland display.

Happily, we were able to welcome Richard Henry local FLO to come along and take part and offer a identification service to the public passing through. Judged by the encouraging interest shown, and the wealth of ideas for next year's exhibition, this annual spectacle will grow in popularity, for exhibitors and public alike.

Byron Tosh



Detector Finds 7

By Gordon Bailey

Greenlight Publishing

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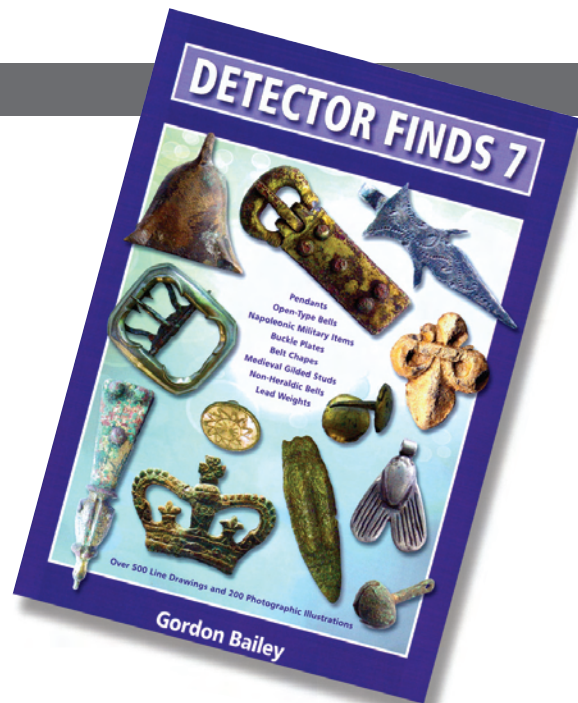
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Price £15.00 post free



Detector finds 7 is the latest edition to this popular series, written by Gordon Bailey and the Treasure Hunting team, this edition contains over 500 'life size' line drawings and

200 photographs, mostly 150% 'life size' of previously unpublished artefacts. Each line drawing or photograph contains a description of the artefact and where applicable date or date range.

There are eight sections in this edition; Pendants • Open-Type Bells • Napoleonic Military Items • Buckle Plates • Belt Chapes • Medieval Gilded Studs • Non-Heraldic Bells • Lead Weights, each with its own informative overview.

The appeal of this edition, as with the other books in the series, is that it covers artefacts which most of us at one time or another may actually find.

I found Detector finds 7, extremely useful, with clear precise line drawings and excellent photographs, the sectional text is informative, without being too complex for the beginner. The 126 pages packed with useful information, and when taken with the other

issues in the series, which are still available, it makes a useful reference package. Definitely worth buying or putting on your Christmas list.

Trevor Austin



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