

# The Development and Future of the *Treasure Act* and Portable Antiquities Scheme

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All countries have legal frameworks and other systems intended to protect objects of archaeological, historical or cultural importance found in their territory by members of the public, either by chance or as a result of deliberate searching. While these approaches vary widely, in most countries – although not in England and Wales – there is a legal requirement to report all objects of archaeological importance and normally the state claims ownership of them; there are mechanisms for paying rewards to the finders and there is usually protection for archaeological sites and controls over the use of metal detectors (Bland 1998). This paper looks at the development of twin mechanisms to deal with this issue in England and Wales, the 1996 *Treasure Act* and Portable Antiquities Scheme, both of which were ten years old in 2007.

## TREASURE

### *Treasure Trove*

The 1996 *Treasure Act* was the culmination of a long series of unsuccessful attempts to reform the common law of Treasure Trove, which goes back to the mid-19th century. Under the old law, only gold and silver objects whose owners were unknown and which had been deliberately buried with the intention of recovery could be declared Treasure Trove and thus become Crown property. Since 1886 the Government had paid *ex gratia* rewards to finders for declaring finds (Hill 1936).

The final, and successful, attempt to reform the law was started by the Surrey Archaeological Society at the end of the 1980s as a response to the looting of the site at Wanborough (O'Connell and Bird 1994), where a very large hoard of Iron Age coins had been systematically stolen by detector users and great damage done to the Romano-Celtic temple there; subsequent prosecutions failed because of the deficiencies of the common law of Treasure Trove. The 1996 *Treasure Act* was championed with great energy by the Earl of Perth (Palmer 1993; Bland 1996).

### *Treasure Act*

The *Treasure Act* finally passed through Parliament in 1996 and came into effect the following year (Bland 2005). It applies only to objects found since September 1997 and

it has effect in England, Wales and Northern Ireland (DCMS 2002a).<sup>1</sup> Under the 1996 *Treasure Act* the following finds are Treasure, provided they were found after 24 September 1997:

- a) objects other than coins at least 300 years old with a minimum precious metal content of 10 per cent
- b) all groups of coins from the same find at least 300 years old (if the coins have a precious metal content of less than 10 per cent then the hoard must consist of at least 10 coins)
- c) objects found in association with Treasure

From 1 January 2003 the Act was extended by Order to include:

- d) groups of prehistoric base-metal objects from the same find

Objects belonging to their original owner or his heirs are excluded, as are unworked natural objects (such as fossils) and wreck.

#### *Rewards and valuations*

Any object that a museum wishes to acquire is valued by a committee of independent experts, the Treasure Valuation Committee, and their remit is to determine the full market value of the object in question. The reward is normally divided equally between the finder and landowner. The committee is advised by a panel of valuers drawn from the trade and interested parties can commission their own valuations, which the committee will consider. The reward can be reduced or not paid at all if there is evidence of wrongdoing and once a valuation has been agreed museums have up to four months to raise money. Archaeologists are not eligible for rewards (DCMS 2002a).

In 2001 there was a review of the Act and a report was published in November of that year (DCMS 2001a). This contained over 50 recommendations, many of which required changes to the 1996 *Treasure Act* Code of Practice, which was developed to accompany the 1996 *Treasure Act*. This Code of Practice offers guidelines for the treatment of Treasure in England and Wales, including advice to finders, coroners and museums. The most important recommendation was that the definition of Treasure be extended to include prehistoric base-metal hoards, and an Order implementing this, together with a revision of the Code of Practice, came into effect in January 2003 (DCMS 2002a).

#### *Examples of Treasure cases*

So what sorts of finds have been reported under the 1996 *Treasure Act*? Perhaps the most iconic prehistoric find is the middle Bronze Age gold cup found by Cliff Bradshaw with a metal detector at Ringlemere in Kent in 2001 (See Plate 1; DCMS 2003, 14–15; Needham *et al* 2006; Hobbs 2003, 55–9). The cup is only paralleled in Britain by a smaller one found at Rillaton in Cornwall in the early 19th century, and it is an object of outstanding importance. It seems that it had been hit by the plough in the previous season and, in the opinion of the archaeologist who has excavated the site, Keith Parfitt, if it had not been recovered when it was it would have been in several pieces after the next ploughing. The discovery prompted a programme of archaeological work on the site, which revealed that

FIG 6.1: HOARD OF ROMAN VOTIVE OBJECTS FROM NEAR BALDOCK, HERTFORDSHIRE



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the cup was buried in a Bronze Age barrow overlaid by an Anglo-Saxon cemetery.

One of the most important Treasure finds from the Roman period is the temple treasure discovered near Baldock in Hertfordshire (Fig 6.1; DCMS 2004a, 38–43; Jackson and Burleigh 2005). It was found by metal detector user Alan Meek in September 2002 and comprises some 27 gold and silver objects, including gold jewellery, a silver figurine and votive plaques of silver alloy and gold, which have been studied by Ralph Jackson. The finder immediately contacted Gil Burleigh, a local archaeologist, who arrived at the site shortly after the removal of the last pieces of the hoard. As a result it was possible to establish and record the precise circumstances of the find. A programme of fieldwork shed valuable light on the context of the find. Most importantly, 5 of the 19 silver and gold plaques contained the name *Senuna* (there is one further plaque inscribed with the name of *Minerva*), a previously unknown Romano-British goddess. It is likely that the silver figurine is a representation of her. Other plaques are inscribed with the names of the worshippers: *Cariatia*, *Celsus*, *Firmanus*, *Lucilia*. Two complete inscriptions record the same vow: *Servandus Hispani willingly fulfilled his vow to the goddess Se(nuna)*. The hoard can be dated to the later 3rd or 4th century AD and it must have been connected to a temple or shrine of the goddess *Senuna*.

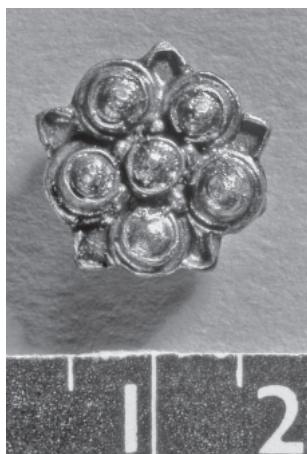
Perhaps the most important Anglo-Saxon find reported under the 1996 *Treasure Act* is a swivelling seal ring with the name of *Baldehild*, found by detector user Roy Crawford at Postwick near Norwich, Norfolk, and studied by Leslie Webster (See Plates 2A and

2B; DCMS 2000a, 31–2). The scene on Plate 2B is probably a betrothal scene, while the obverse shows a portrait of her with her name. This is the first example of a swivelling seal ring to be found in Britain. Baldehild is the same name as that of an Anglo-Saxon princess who married Clovis II of France in about AD 648 and then later entered a monastery. We can never know for certain whether the woman named on the ring represents this historical individual, but they are certainly of similar date. A further mystery is why such a high-quality Frankish object came to rest in rural Norfolk, though such a ring might certainly have been a prestige gift, or even a sign to identify the wearer as an emissary of the owner. This object has been acquired by Norwich Castle Museum.

The largest category of items reported as Treasure date from the medieval and post-medieval periods – that is, from the time of the Norman Conquest down to the end of the 17th century. These objects consist largely of jewellery, especially rings and brooches, and many are of limited interest. From the 16th and 17th centuries other artefacts start to appear, such as Tudor silver-gilt dress fittings (Gaimster *et al* 2002) (Figs 6.2A and 6.2B). These objects were hardly known to archaeologists before the 1996 *Treasure Act*, as they are very seldom found in excavations. Since the Act some 100 examples have been recorded and they have been studied by David Gaimster and others. They come in a wide variety of shapes and it is likely that now we are aware of them we will be able to find out more about how they were used by looking at personal and household inventories of the Tudor period.

Under the 1996 *Treasure Act* the number of coin hoards that have been reported has trebled. One of the most important hoards of recent years is the one from Patching in West Sussex, found by two detector users in 1997 (See Plate 3; DNH 1998, no. 18; Abdy 2006). It consists of 23 gold solidi, 27 silver coins, 2 gold rings and 54 pieces of silver scrap. The hoard pushes the date of the latest known hoard of Roman coins from Britain forward by some 40 years from about AD 420 – the latest of the latest hoard known

FIG 6.2A AND 6.2B: 16TH CENTURY SILVER-GILT DRESS FITTINGS FROM WANBOROUGH, WILTSHIRE (4A) AND BRAMPTON, LINCOLNSHIRE (4B)



hitherto – to the AD 460s, as it contained a coin of Libius Severus (AD 461–5), besides some 20 other coins that are all later than AD 410. This one find has completely changed the previously held orthodoxy that Roman coins ceased to enter Britain after the reign of Constantine III.

#### *Numbers of Treasure cases*

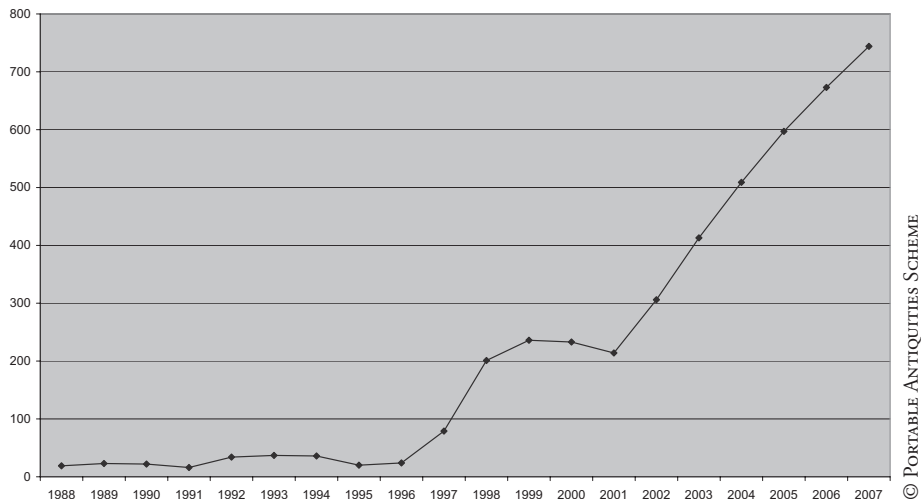
In 1994 it was predicted that the number of cases would be between 100 and 200 a year, but in fact the increase has been much higher than that. Before the Act came into force, about 25 finds were declared Treasure Trove each year. In the first full year of the Act, 1998, this number increased to 201. It remained at that level for the next three years, and then in 2002 it went up by 100 to 300 and each year since it has risen by about 100 cases a year, so that in 2005 the total was 595, in 2006 it was 673 and in 2007, 749 (Fig 6.3).

The increase since 2002 is undoubtedly a result of the development of the Portable Antiquities Scheme and especially the expansion of the Scheme across the whole of England and Wales in 2003, when 21 new Finds Liaison Officers were appointed. Since 2003 there has been an average increase of 154 per cent in the reporting of Treasure. The most significant increases have been in the Isle of Wight and Sussex (1186 and 953 per cent respectively); both areas had a Finds Liaison Officer for the first time in 2003.

#### *Problems*

This success has brought problems in its wake. Museums struggle to raise the money to acquire Treasure and about half of all finds are now disclaimed because no museum is able or willing to find the funding. The MLA/V&A Purchase Grant Fund, the Art Fund and the Heritage Lottery Fund are the principal sources of financial support and they have been joined more recently by a new dedicated fund for Treasure from the Headley Trust which is very welcome, but is not likely to exist permanently.

FIG 6.3: TREASURE CASES 1988–2007



The system of administration of Treasure is also very complex and consequently the period between the discovery of a find and the payment of a reward is often longer than the one-year target time set out in the Code of Practice. It is therefore essential to do everything possible to make the system work as efficiently as possible. One initiative should lead to some improvement: at present the administration of Treasure cases is divided between the British Museum (and for Wales, the National Museum Wales), which deal with cases up to the coroner's inquest, and the Department for Culture, Media and Sport (DCMS), which deals with cases thereafter (principally the valuation process). In March 2007 the DCMS transferred its responsibilities to the British Museum, which established three posts, two full-time and one part-time, to deal with these responsibilities. Concentrating the whole administration in one place is more efficient and enables us to provide a better service to finders, landowners and museums.

### *Enforcement*

There are also problems of enforcement. Many unreported finds of Treasure have been appearing in trade, on the *eBay* website and elsewhere. There is also a significant problem as regards the looting of sites for antiquities. The Council of British Archaeology's 1995 survey on metal detecting found that over a five-year period, 188 Scheduled Ancient Monuments had been attacked and 37 out of 50 professional archaeological units reported raids on their excavation sites during the same period (Dobinson and Denison 1995). Providing physical protection for the potentially enormous number of sites that could be attacked is always going to be very difficult, given that in most areas the police give such crime low priority, and when prosecutions are brought they are often unsuccessful because courts tend not to regard these offences as serious, although a recent initiative in Kent, where 'nighthawking' (unauthorised metal detecting) is being tackled as part of the wider anti-social behaviour and rural crime agenda, is encouraging.

Another way of tackling the problem is to make it harder for the thieves to sell their finds. At present, it is too easy for the 'nighthawks' to sell their finds to dealers who are happy to purchase such objects without checking that the vendors are acting legally and with the agreement of the landowners. Many items of potential Treasure are openly offered for sale, especially on the *eBay* website. In October 2006 the PAS signed a memorandum of understanding with *eBay* whereby *eBay* will take such items down from its website when notified by PAS and the police. PAS has been systematically monitoring *eBay* since then. *eBay* published comprehensive guidance on buying and selling antiquities on its website for the first time (<http://pages.ebay.co.uk/buy/guides/antiquities/>), while PAS also developed its own guidance ([www.finds.org.uk/treasure/advice.php](http://www.finds.org.uk/treasure/advice.php)). During 2007 PAS followed up 144 cases of potential Treasure offered for sale on *eBay*. Although there have not yet been any criminal prosecutions as a result of this monitoring of *eBay*, there have been a number of cases where vendors have voluntarily agreed to report the finds they were selling as Treasure. However, monitoring *eBay* on a daily basis, which is what is needed, is a time-consuming process and potentially lays the Scheme open to expensive legal challenges. More resources are needed in order to pursue this work; these should logically come from *eBay*, which profits from the sale of antiquities on its website.

The Government's accession to the 1970 UNESCO Convention in 2002 (DCMS 2004c) and the Dealing in Cultural Objects (Offences) Act, which came into force on 30 December 2003 (DCMS 2004b), should help to suppress the market in finds illegally recovered from the UK but no prosecutions have been brought under this Act, nor have any been brought under the 1996 *Treasure Act*.

There is definitely a need to make the law enforcement agencies, the police, the Crown Prosecution Service and the Government more aware of the problems caused by the illegal recovery of artefacts from the UK and their sale on the market, and one of the essential tools needed to push this issue higher up the political agenda is an authoritative survey of the extent of the problem. English Heritage, together with its sister heritage agencies in the other countries of the UK, is currently funding a major study on the extent of illegal metal detecting, on a proposal developed by PAS. This study is being undertaken by Oxford Archaeology and it is hoped that the report will be published in 2008. Ultimately the answer must be to raise public awareness on this issue and to educate those who buy and sell such finds on good practice.

#### PORTABLE ANTIQUITIES SCHEME

##### *The establishment of the Portable Antiquities Scheme*

In 1995 the Government recognised that, although the 1996 *Treasure Act* would remove the major anomalies of the old law, the great majority of archaeological finds would remain outside its scope. The Government therefore developed the concept of a voluntary scheme to record all archaeological objects to complement the 1996 *Treasure Act*, with a network of archaeologists around the country to record them. This resulted in *Portable Antiquities: A discussion document* (DNH 1996). This paper made a distinction between the public acquisition of finds, which the 1996 *Treasure Act* addressed, and the recording of finds, which it attempted to tackle. It noted that only a small percentage of objects found by the public are recorded by museums and continued that the failure to record finds made by the public 'represents a considerable loss to the nation's heritage. Once an object has left the ground and lost its provenance, a large part of its archaeological value is lost. The result is a loss of information about the past which is irreplaceable.'

The document set out proposals for a voluntary scheme for the reporting of finds that fall outside the scope of the 1996 *Treasure Act* and sought views. All those who responded agreed that the recording of all archaeological finds was important and that there was a need to improve the current arrangements, and they stressed that this could not be done without additional resources. For the first time there was a consensus among both archaeologists and detector users that a voluntary scheme offered the best way forward (DNH 1997, 40–1).

The Government agreed to fund six pilot schemes through what is now the Museums, Libraries and Archives Council and the first six posts were established in 1997 in Kent, Norfolk, North Lincolnshire, the North West, Yorkshire and the West Midlands. A further six posts started in 1999 with funding from the Heritage Lottery Fund, in Dorset

and Somerset, Hampshire, Northamptonshire, Suffolk and Wales (Bland 2005, 272–3). In 2003, thanks to further funding from the HLF, it was possible to extend the Scheme across the whole of England and Wales and there is now a network of 36 Finds Liaison Officers, six Finds Advisers, and five other support posts.

#### *Aims of the Portable Antiquities Scheme*

The principal aim of the Scheme is to arrest the large level of archaeological information lost every year by actively recording this material on a systematic basis for public benefit. Our philosophy is that we do not seek to encourage metal detecting but we recognise that it exists and is legal, provided the detector user has the landowner's permission and avoids scheduled sites. We believe it is better to engage with detector users, to encourage them to behave responsibly and report their finds, than to ignore them, as was often the attitude in the past. It is a difficult path to tread and it is easy for PAS to be accused of legitimising the activity, but I do believe very strongly that it is much better to engage actively with these people and to encourage good practice rather than to brush them aside. They will go on detecting regardless and we will all be the losers if we fail to record their finds.

#### *Code of Practice*

A long-held aim of the Scheme was to secure agreement on a metal detecting code of practice that would be endorsed by all the key bodies. This was realised in May 2006, when the Code of Practice on Responsible Metal Detecting was published (see Appendix, below). The thinking behind the Code is that education and self-regulation offer the best prospect of progress. The Code aims to minimise damage to the historic environment and ensure that finds are reported. Although it may not go as far as some archaeologists would like, it does go a great deal further than any of the existing metal detecting codes. The Code will also stand as a statement of good practice that can be used by archaeological and government bodies in developing policies that affect metal detecting.

One challenge that remains is to ensure that the good practice encapsulated in the Code is also observed by those who organise and attend large metal detecting rallies. Several of these events are held each year and they can be attended by several hundred metal detector users from all over Britain and from abroad: if the rally is held on a site that is rich in finds, it is extremely difficult to ensure that an adequate record is made of all the objects discovered and the limited resources of the PAS are often stretched to the limit. In the long run, PAS believes that those who profit from such events – the rally organisers – should be prepared to put the resources into ensuring that all finds are properly recorded.

#### *Results of the Portable Antiquities Scheme*

A key aim of the project is dissemination of the data and this is done principally through the PAS website, [www.finds.org.uk](http://www.finds.org.uk), which hosts the database and much other material and also through a series of Annual Reports (DCMS 1999; 2000b; 2001c; 2002c; Resource 2003; MLA 2004; 2005a; BM 2006), and also through newsletters and guidance, such as advice notes on conservation (MLA 2005b).

As at January 2008 the PAS database contains some 210,000 records describing



317,000 objects with 160,000 images: in 2007, 77,540 archaeological objects were recorded, a 33 per cent increase on the previous year. Figure 6.4 shows the numbers of objects recorded onto the database since it was developed in 1998. Sixty-five users can enter data directly and a hundred users have research access to the database.

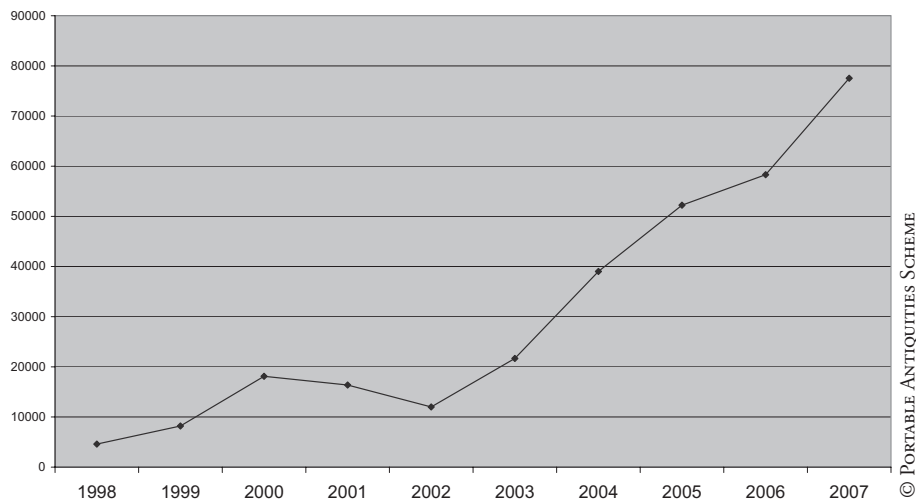
In 2007, 6126 finders offered finds for recording: 3910 detector users and 2226 others. Given that it is estimated that there are no more than 10,000 detector users in England and Wales (a figure of 8500 has been suggested) and a significant proportion of them – maybe a quarter – do not find any archaeological objects at all, we are probably being shown finds by over half of all active detector users (Bland 2006a; 2006b; see also Barford 2006a; 2006b).

#### *Findspots*

Another key measure of data quality concerns the precision with which findspots are recorded on the database. For the Historic Environment Record (HER) a findspot needs to be recorded to at least a six-figure grid reference (a 100-metre square) if it is to be of use and it has been a key performance measure for the Scheme to record as many findspots as possible to at least this level of detail.

It is not always easy, for various reasons, to persuade those who make their finds available for recording to give precise information about the findspot. It may be that the find was made some time ago and the finder did not keep a record of where it was found, or it may be that finders are unwilling to pass this information on because they are concerned about the use to which such information may be put – either that it may be published and that would encourage other detector users to try to detect on ‘their sites’, or that archaeologists might approach the landowner and recommend that he or she stops allowing metal detecting on that site.

FIG 6.4: FINDS RECORDED ON PAS DATABASE, 1998–2007



The PAS therefore does not publish findspots of any finds to more than a four-figure grid reference (one square kilometre) on its website and there is provision for findspots to be published even less precisely if they are Treasure finds or if the finder believes that there may be a conservation threat to the site if the findspot is published to four figures.

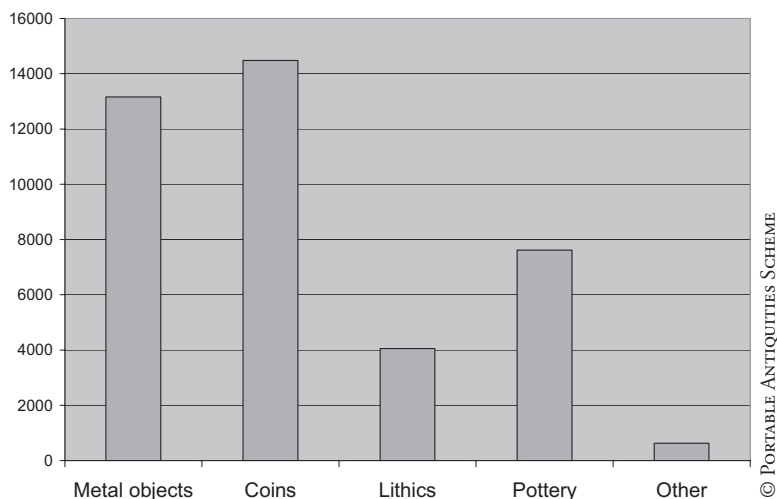
Overall, the key target of the percentage of findspots recorded to at least a six-figure NGR has improved year on year since 1997–99, when only 56 per cent of findspots were recorded to at least a six-figure grid reference, to 2007, when the figure was 90 per cent.

In 2005 an agreement governing transfer of data from PAS to HERs was concluded and, so far, 52 HERs have signed that agreement, so that the data gathered by the Scheme is now actively contributing to the management of the historic environment. The Arts and Humanities Research Council is funding a PhD studentship which will carry out a detailed study of how PAS data for the Roman period contributes to our knowledge of the historic environment.

#### *Types of objects recorded by PAS and their distribution*

The following Figures (6.5–6.11) show the type of information that has been collected by the PAS. Figure 6.5 shows the types of objects that are recorded and demonstrates that metal objects account for about 33 per cent, coins for 36 per cent, lithics for 10 per cent and pottery for 19 per cent. Figure 6.6 illustrates the chronological breakdown of objects recorded, and clearly shows that Roman and medieval finds predominate. Figure 6.7 shows an analysis of the method of discovery of finds recorded by PAS: the majority (68 per cent) are found by detector users (a significant number by detector users using their eyes only); 25 per cent are found by amateur fieldwalkers; and 7 per cent are chance finds. It is also possible to analyse the type of land from which finds are being reported. Cultivated land accounts for 90 per cent of all finds. This is significant because

FIG 6.5: TYPES OF OBJECT ON THE PAS DATABASE



it demonstrates objectively that the great bulk of archaeological objects found by detector users come from cultivated land where, in most cases, the immediate context has already been destroyed by ploughing and where the objects are, in most cases, lying in the topsoil where they are vulnerable to damage by further ploughing. Figure 6.8 looks at the regional breakdown of objects recorded and shows the very great variations. The most productive areas are the East (25 per cent of all finds) and South East (22.7 per cent), while the least productive ones are London (2.5 per cent), Wales (1.6 per cent) and the North, especially the North East (1.4 per cent) and North West (2.6 per cent). Figure 6.9 shows

FIG 6.6: CHRONOLOGICAL BREAKDOWN OF OBJECTS RECORDED ON THE PAS DATABASE

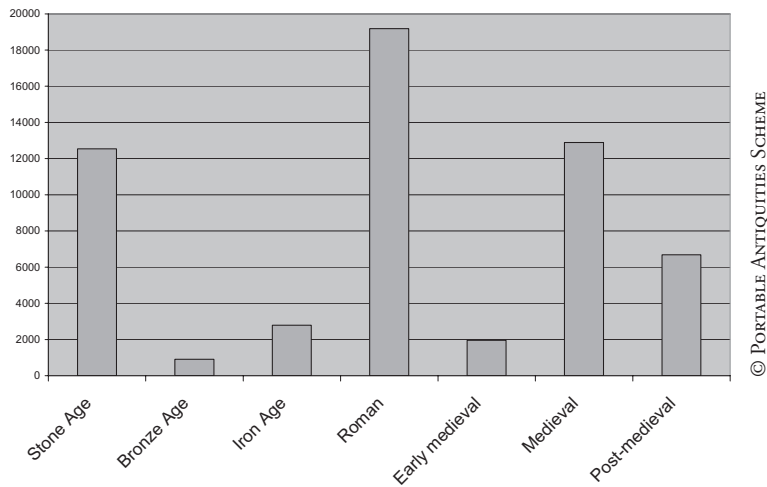


FIG 6.7: METHOD OF DISCOVERY OF OBJECTS RECORDED ON THE PAS DATABASE

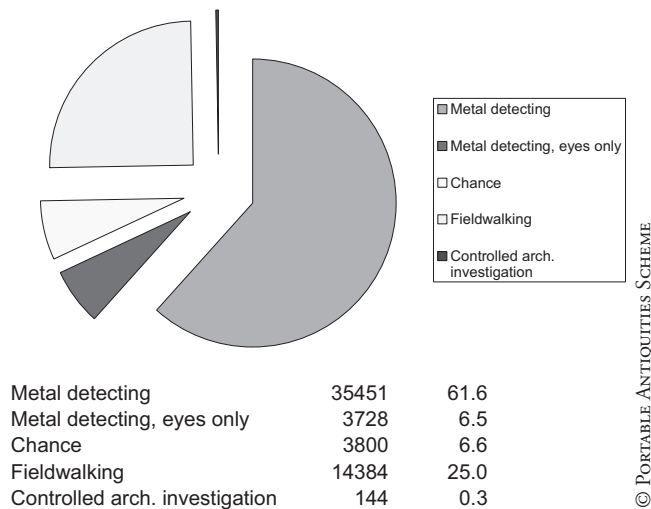
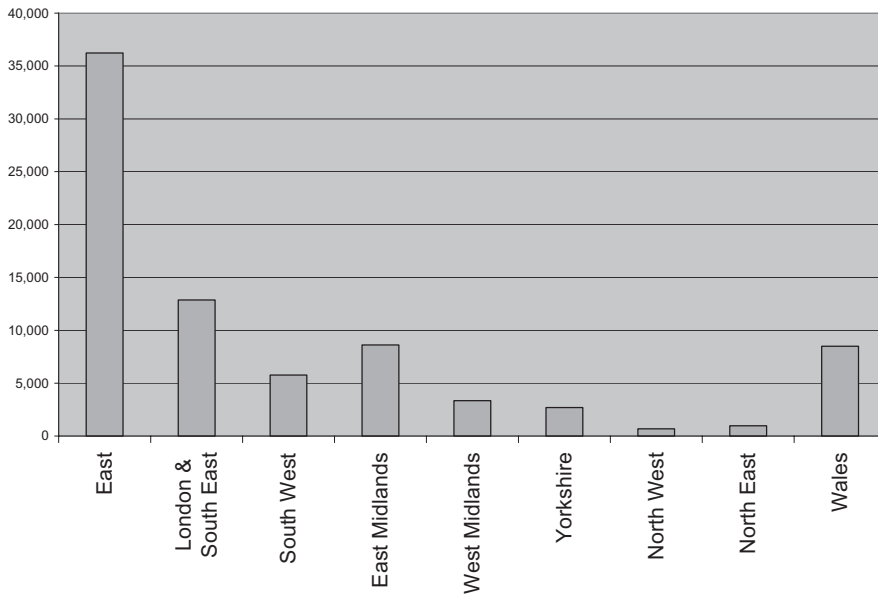


FIG 6.8: REGIONAL BREAKDOWN OF OBJECTS RECORDED ON PAS DATABASE



East	36237
London & South East	12873
South West	5773
East Midlands	8624
West Midlands	3342
Yorkshire	2694
North West	679
North East	982
Wales	8492

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the distribution of these findspots across the country. The map shows that the database is undoubtedly a very powerful research tool which is only just starting to be exploited. Its main strength lies in the fact that the data is now truly national, so the database allows us to start looking at the regionality of the distribution of types of artefact in a way that was not possible before. Finally, the PAS database allows us to look more closely at the distribution of finds within particular areas. One example (Fig 6.10) is Greater London, where there has been a part-time Finds Liaison Officer since 2003. The findspots show two concentrations: along the Thames, reflecting the activities of the Thames Mudlarks, and along the south-east border of Greater London, reflecting the existence of arable land there. A second example (Fig 6.11) is the Isle of Wight, which has had a part-time Finds Liaison Officer since 2003, and which has shown itself to be extremely rich in finds. However, here, too, the finds are concentrated in a number of hotspots and much of the island is blank. This is a fascinating pattern which would repay closer study.

FIG 6.9: ALL FINDSPOTS RECORDED ON THE PAS DATABASE



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FIG 6.10: FINDSPOTS FROM GREATER LONDON ON THE PAS DATABASE

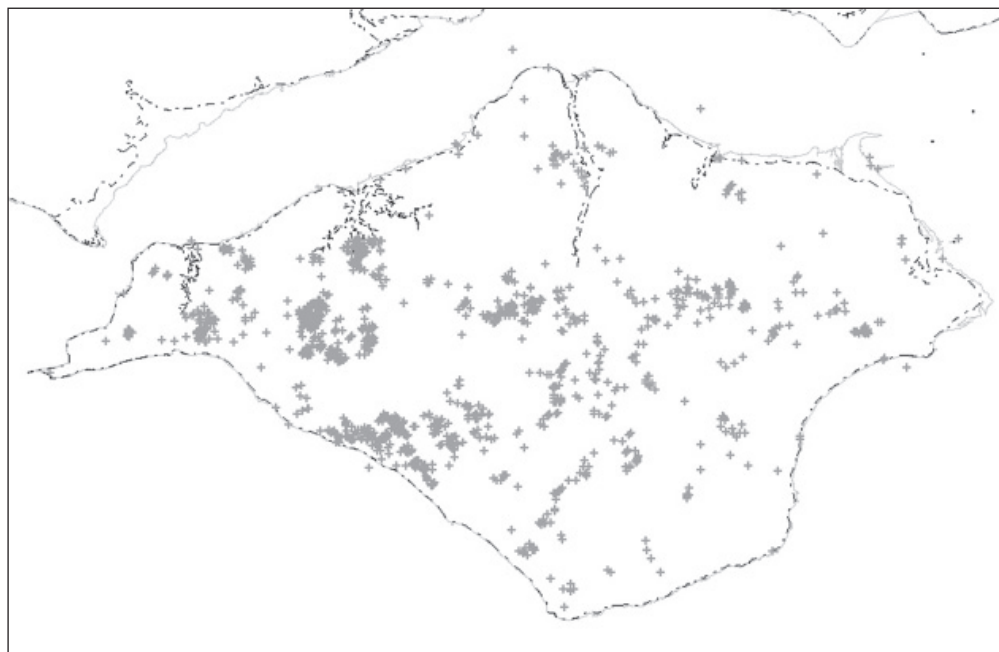


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#### *Some case studies*

Perhaps the most important individual object recorded by the Portable Antiquities Scheme is a small patera known as the Staffordshire Moorlands bowl (PAS database reference WMID-3FE965) (Plate 4). It was found by metal detector users Kevin Blackburn and Julian Lee and reported in 2004. It was studied by Ralph Jackson of the British Museum and Roger Tomlin of Oxford University. Dated to the 2nd century AD, the vessel's decorative design consists of 'Celtic-style' motifs inlaid with coloured enamel. Only two other similar bowls are known to inscribe the names of forts on Hadrian's Wall: the 'Rudge Cup', discovered in Wiltshire in 1725, and the 'Amiens patera', found in Amiens in 1949. The decoration, however, is quite different, as the Rudge and Amiens examples both carry a stylised representation of the wall itself, with crenallated stone turrets. The most important feature of the patera is the inscription, which reads MAIS COGGABATA VXELODVNVM CAMMOGLANNA RIGORE VALI AELI DRACONIS. The first four words refer to forts at the western end of Hadrian's Wall: Bowness, Drumburgh, Stanwix and Castlesteads. The other bowls bear some of the same fort names, but the cup from Staffordshire is the first to include COGGABATA. The rest of the inscription is more enigmatic. Roger Tomlin has interpreted RIGORE VALI as 'along the line of

FIG 6.11: FINDSPOTS FROM ISLE OF WIGHT ON THE PAS DATABASE



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the Wall'. The last two words, AELI DRACONIS, can be interpreted in two different ways. They could be the names of the owner for whom the bowl was made, Aelius Draco, but another, fascinating, interpretation is that Aeli should be read with Vali and taken as a reference to Hadrian's Wall – Hadrian's full name was Titus Aelius Hadrianus. If that is correct then this would be the earliest contemporary documentary evidence for associating the Wall with Hadrian. The county archaeologist assessed the findspot of the bowl and concluded that it was probably an isolated find and not part of a larger Roman site.

In July 2005 a metal detecting survey took place on the site of a Roman town at Braughing in Hertfordshire (Plate 5). Metal detecting on a Scheduled Ancient Monument is allowed only with the consent of English Heritage; however, the County Archaeological Officer for Hertfordshire was so concerned with reports of illegal detecting on the site that he obtained permission from English Heritage for an organised survey in order to recover some information from the site. The work was undertaken by the Saffron Walden Metal Detecting Club, and the Finds Liaison Officer, Julian Watters, and colleagues mapped findspots using Global Positioning System machines. Finds were recorded from over 180 separate locations and, while much of the material consisted of undatable building materials such as brick and tile, there were also several incomplete Roman brooches, forty Roman coins and a few fragments of Roman puddingstone quern. The full results of the survey are to be published in a forthcoming report.

Two of the more unusual finds recorded by PAS were two copper alloy manillas from the Isles of Scilly (Plates 6A and 6B). Manillas are arm bands made in Birmingham in the 18th and 19th centuries as currency items for trade in West Africa, originally for the slave trade. The first one was found about three feet down by an islander while laying drains on St Agnes in December 2003 and was taken by him to the local museum who, in turn, sought the advice of Anna Tyacke, Finds Liaison Officer in Cornwall. Eighteen months later Anna was holding a Finds Day in Cornwall and a second manilla was brought in which turned out to have been found in 1945, very close to the first one. Both objects are very similar to an example in the Royal Cornwall Museum, also from St Agnes, which is believed to have come from the shipwreck of the *Duoro*, which was *en route* to Africa with a cargo of manillas on board when it was lost with all hands off Crebawethan, Western Rocks, Isles of Scilly, on 27 January 1843.

### CONCLUSIONS

One of the main difficulties that the Scheme faces is the problem brought on by its success. Many Finds Liaison Officers have more finds than they are easily able to record and they also face many other pressures on their time to carry out outreach events, give talks, organise opportunities for finders to be involved in archaeology and so on. The funding agreed by the DCMS for 2006–8 allows for continued funding of all the current 46 posts in the Scheme, but not for any expansion, while future funding is subject to the Government's Comprehensive Spending Review.

The impact of the PAS can be judged on more than one level. It can be judged according to its principal aim, namely that of recording archaeological finds made by the public for public benefit. When they were first established, the Portable Antiquities pilot schemes were regarded as a test-bed to judge the merits of a voluntary approach to the recording of those archaeological finds that fall outside the scope of the 1996 *Treasure Act*. Although there have been three independent reviews of the Scheme, in 2000 (Chitty 2001), 2004 (Chitty and Edwards 2004) and 2006 (Edwards 2006), all of which have been positive, there has not been a fundamental evaluation to judge the success of the voluntary approach embedded in the Scheme. Many European countries have legislation requiring the reporting of all archaeological finds and vesting their ownership in the state (Bland 1998), as indeed do Scotland and Northern Ireland, so England and Wales would seem to be out of step with the rest of Europe. To what extent, therefore, can the twin-track approach of the 1996 *Treasure Act* and PAS be judged to be successful on their own terms?

The number of objects reported as Treasure and recorded by the PAS from England and Wales can be compared with the numbers of finds being reported as Treasure Trove in Scotland (Normand 2003). All ownerless objects are deemed to be Treasure Trove in Scotland, so in scope of finds that are reported it matches the PAS; the 1996 *Treasure Act* of course is much narrower.

Clearly such a comparison can only offer a very impressionistic picture. Scotland is smaller in land area than England and Wales and much more thinly populated. The



TABLE I. FINDS REPORTED AS TREASURE TROVE IN SCOTLAND COMPARED WITH TREASURE AND PAS FINDS FROM ENGLAND AND WALES

	Scotland	Treasure cases: England and Wales	PAS finds: England and Wales
1995	78	20	-
1996	197	24	-
1997	265	79	-
1998	278	201	4589
1999	324	236	8205
2000	248	233	18106
2001	284	214	16368
2002	330	306	11995
2003	343	413	21665
2004	308	520	39023
2005	299	595	52223
2006	236	673	58307
2007	225	749	77540

amount of arable land – which as we have seen, accounts for 90 per cent of all findspots recorded by PAS – is very much less (only 12.5 per cent of Scotland is classed as arable land). No doubt there are many fewer metal detector users in Scotland than in England and Wales (for example, 8 metal detecting clubs are known in Scotland, as against 173 in England and Wales). However, even after taking all these factors into account the Scottish data would hardly seem to lend support to the view that a legal duty to report all finds should be introduced into England and Wales, and the numbers of finds reported as Treasure Trove in Scotland is actually static, if not declining. I have little doubt that if such a comparison were to be repeated with other European countries (and in most countries the relevant information is very difficult to find), a similar pattern would emerge.

The definition of Treasure in the 1996 *Treasure Act* certainly does not include all objects of archaeological importance, as it is still rooted in the Treasure Trove concept that gold and silver should belong to the King. There are obvious attractions in the Scottish definition of Treasure Trove, whereby only those objects deemed to be of archaeological importance are claimed by the state. However, such a definition also requires the mandatory reporting of all finds and that is where the system does not seem to work so well. If there were a mandatory requirement to report all finds in England and Wales, finders would have to be given some kind of documentation to prove that they had reported a find and this would be a very bureaucratic and expensive system to operate (see Barford 2006a; 2006b; Bland 2006a; 2006b). The evidence from Scotland suggests that it is unlikely that the requirement to report finds on its own would lead to an increased rate of reporting; that is surely most likely to come from changing the climate of opinion so that there is a

common understanding of the need to report finds, the long-term aim of PAS. The 595 Treasure cases and 80,000 other finds reported to the PAS in 2005–6 clearly represent only a proportion of all the objects being found, but if we want to increase that number this is most likely to come through education (Bland 2006a; 2006b).

Perhaps the real significance of the Scheme is that it is a unique initiative in the way that it adds to our collective knowledge of the past through a project that is founded on public involvement and participation, rather than through a research project conceived and executed by professionals. It would probably be true to say that there is no parallel to this initiative in the rest of Europe and there is increasing interest in it from other countries. The PAS can measure in a demonstrable way that it is helping to foster growing public interest in the past. It has established a mechanism to harness that interest through the recording of finds made by the public and the publishing of the results for all to see.

## APPENDIX

*Code of Practice for Responsible Metal Detecting in England and Wales*

Endorsed by:

Council for British Archaeology  
Country Land & Business Association  
English Heritage  
Federation of Independent Detectorists  
Museums, Libraries and Archives Council  
National Council for Metal Detecting  
National Farmers Union  
National Museum Wales  
Portable Antiquities Scheme  
Royal Commission for the Ancient and Historical Monuments of Wales  
Society of Museum Archaeologists  
The British Museum

*Being responsible means:*

**Before you go metal detecting**

1. Not trespassing; before you start detecting obtain permission to search from the landowner/occupier, regardless of the status, or perceived status, of the land. Remember that all land has an owner. To avoid subsequent disputes it is always advisable to get permission and agreement in writing first regarding the ownership of any finds subsequently discovered (see [www.cla.org.uk](http://www.cla.org.uk)/[www.nfonline.com](http://www.nfonline.com)).
2. Adhering to the laws concerning protected sites (eg those defined as Scheduled Monuments or Sites of Special Scientific Interest: you can obtain details of these from the landowner/occupier, Finds Liaison Officer, Historic Environment Record or at [www.magic.gov.uk](http://www.magic.gov.uk)). Take extra care when detecting near protected sites: for example, it is not always clear where the boundaries lie on the ground.
3. You are strongly recommended to join a metal detecting club or association that encourages cooperation and responsive exchanges with other responsible heritage groups. Details of metal detecting organisations can be found at [www.ncmd.co.uk](http://www.ncmd.co.uk) or [www.fid.newbury.net](http://www.fid.newbury.net).
4. Familiarising yourself with and following current conservation advice on the handling, care and storage of archaeological objects (see [www.finds.org.uk](http://www.finds.org.uk)).

**While you are metal detecting**

5. Wherever possible working on ground that has already been disturbed (such as ploughed land or that which has formerly been ploughed), and only within the depth of ploughing.

If detecting takes place on undisturbed pasture, be careful to ensure that no damage is done to the archaeological value of the land, including earthworks.

6. Minimising any ground disturbance through the use of suitable tools and by reinstating any excavated material as neatly as possible. Endeavour not to damage stratified archaeological deposits.

7. Recording findspots as accurately as possible for all finds (ie to at least a one hundred metre square, using an Ordnance Survey map or hand-held Global Positioning Systems (GPS) device) whilst in the field. Bag finds individually and record the National Grid Reference (NGR) on the bag. Findspot information should not be passed on to other parties without the agreement of the landowner/occupier (see also clause 9).

8. Respecting the Country Code (leave gates and property as you find them and do not damage crops, frighten animals, or disturb ground nesting birds, and dispose properly of litter: see [www.countrysideaccess.gov.uk](http://www.countrysideaccess.gov.uk)).

#### **After you have been metal detecting**

9. Reporting any finds to the relevant landowner/occupier; and (with the agreement of the landowner/occupier) to the Portable Antiquities Scheme, so the information can pass into the local Historic Environment Record. Both the Country Land and Business Association ([www.cla.org.uk](http://www.cla.org.uk)) and the National Farmers Union ([www.nfuonline.com](http://www.nfuonline.com)) support the reporting of finds. Details of your local Finds Liaison Officer can be found at [www.finds.org.uk](http://www.finds.org.uk), e-mail [info@finds.org.uk](mailto:info@finds.org.uk) or phone 020 7323 8611.

10. Abiding by the provisions of the *Treasure Act* and *Treasure Act* Code of Practice ([www.finds.org.uk](http://www.finds.org.uk)), wreck law ([www.mcga.gov.uk](http://www.mcga.gov.uk)) and export licensing ([www.mla.gov.uk](http://www.mla.gov.uk)). If you need advice your local Finds Liaison Officer will be able to help you.

11. Seeking expert help if you discover something large below the plough soil, or a concentration of finds or unusual material, or wreck remains, and ensuring that the landowner/occupier's permission is obtained to do so. Your local Finds Liaison Officer may be able to help or will be able to advise of an appropriate person. Reporting the find does not change your rights of discovery, but will result in far more archaeological evidence being discovered.

12. Calling the Police, and notifying the landowner/occupier, if you find any traces of human remains.

13. Calling the Police or HM Coastguard, and notifying the landowner/occupier, if you find anything that may be a live explosive: do not use a metal detector or mobile phone nearby as this might trigger an explosion. Do not attempt to move or interfere with any such explosives.

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## NOTES

1. But not in Scotland, which has a completely separate legal framework governing finds: there is, in effect, a legal requirement to report all finds (Saville 2000; Norman 2003).