

The Portable Antiquities Scheme and the Treasure Act: protecting the archaeology of England and Wales? A Response.

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In order to accurately respond to David Gill it is important for us to understand when and why the Portable Antiquities Scheme (PAS) came into being, and not merely rely on selective published PAS statistics or anecdotal and bigoted statements made by uninformed self opinionated groups who have no practical knowledge of the hobby to support his hypothesis. Such viewpoints have no real value in the debate on metal detecting, the recording or reporting of finds and archaeology.

In the late seventies and early eighties, when metal detectors were becoming more popular, responsible detector users found that there was no convenient or suitable system for identifying or recording finds that fell outside the scope of the then Treasure Trove laws. Local museums frequently shunned detector users or refused to identify finds on the grounds that they were either out of context finds that had no archaeological value, or that they did not have the resources, (or the perhaps expertise) to record such finds. I like many other detector users had no alternative but to self-record and research finds themselves albeit acquiring a proficiency that would continue to the present day. However, it must be said that not all museum curators and staff took the same blinkered, elitist and perhaps prejudiced view. If you lived within easy reach of certain museums such as Scunthorpe or in counties such as Norfolk, then far-sighted individuals such as Kevin Leahy and Tony Gregory were on hand to both record and identify metal detecting finds. Clearly there was a need to be fulfilled, not only for the metal detector user but also for future generations. So although the climate was right for introducing such a scheme, no real effort was being made by the then Department of National Heritage or so called archaeological lobby or conservation groups, who chose instead to devote scarce resources in coordinating their efforts in an attempt to ban metal detecting.

All this was to change in 1994, when the failed Treasure Bill by Lord Perth, which later became the Treasure Act, led to direct discussions with the National Council for Metal Detecting (NCMD), the Department of National Heritage (DNH), the British Museum and solicitors from the Treasury. It was during the latter part of those discussions that it became perceptible that not only was there a need to record items found by members of the public, predominantly detector users, that had previously been dismissed by museums as 'of no archaeological value,' but items such as single precious metal coins which would fall outside the scope of the new act. Furthermore the presumed opposition to such a scheme by the DNH was non-existent and a voluntary scheme was supported

by the NCMD and the metal detecting community. The resulting Portable Antiquities Scheme would not only satisfy the need of finders to record and identify finds that had previously gone unrecorded, but was seen as a voluntary non-prescriptive means to redress the endless loss of information on portable antiquities caused by decades of archaeological non-cooperation and efforts to ban metal detecting. To the politicians and metal detectorists alike this would end the conflict whereby archaeology refused to see the opportunity metal detecting presented them with - an abundance of portable antiquities information which if used properly would change the archaeological understanding of this nation.

The figures quoted from official PAS sources prove that the scheme works, statements such as “The ‘Artefact Erosion Counter’ presented by Heritage Action, a grassroots conservation group, has suggested that over 4 million ‘recordable archaeological artefacts’ have been removed from the ground by metal-detectorists in England and Wales since the start of PAS” should be viewed with the contempt they deserve, and would be laughable were it not for the fact that there are individuals who actually believe this drivel. Heritage action is merely a vehicle for expounding singularly extremist vitriolic viewpoints. Both its so-called erosion counter and its statements have no basis in fact or practical knowledge of metal detecting.

While I am not purporting that all portable antiquities found by the public are recorded with the PAS, although many are, other factors concerning recording have to be considered: has the landowner given permission for the finder to record finds?, negative local archaeological politics and, it must be said, other metal detector users persuading some landowners that detector finds should not be disclosed to any recording body. There is also the question of the suitability of finds for recording considering that the PAS for example do not normally record items less than 300 years old. Furthermore I suggest that such alarmists actually make the effort to participate in a search, as only in this way will they appreciate that not all ‘holes in the ground’ translate into archaeological finds being recovered.

The charge that there is much under reporting of metal detecting finds needs to be viewed in the context of what the PAS can actually record within the confines of its limited resources. From its inception the resources given to the PAS have never matched the volume of detector finds that could be made available for recording. The PAS has a strictly controlled budget and as a consequence yearly recording targets are tailored to match this. Under its current funding masters, the Museums Libraries and Archives Council, the PAS has a set target of 55,000 items recorded per year. This is very much below the guesstimate of yearly detector finds promoted by some protagonists, totals which would be impossible for the PAS to ever record. To blame detectorists for under recording is totally without foundation as the resources of the PAS are simply too few: accordingly at this funding level it can only ever achieve a token figure.

Gill states ‘This suggests that some undisturbed archaeological material is being removed from its archaeological context as a result of deliberate object hunting.’ How

such a conclusion can be drawn from the statistics given in this paragraph is mere speculation and is just another example of uncorroborated statements levelled at the hobby and PAS alike.

Another old chestnut trotted out as an example of nighthawking is the Icklingham Bronzes (excuse me while I pick up my violin) and I am surprised that the equally old chestnut of Wanborough was missed out. This shows that archaeology has little new information to add to this issue despite exhaustive attempts under the auspices of the English Heritage Nighthawking Report to find more. Farmer Browning of Icklingham fame has a particular agenda to follow and this is regularly used by archaeology lobbyists when seeking to denigrate metal detecting, but he remains a single example. Archaeology and in particular English Heritage have avoided finding a resolution to the difficulties experienced by Mr. Browning and have in many respects used it to advantage in having a ready made incident and compliant landowner to call upon when required. In this respect a protected site of national importance has been sacrificed whilst EH turned a blind eye to the long-term loss of material and damage to maintain this opportunity.

Scaremongering in this way is an old favourite of those who oppose the PAS, the Treasure Act and metal detecting in general.

Admittedly the discovery and later recording of the Crosby Garrett helmet could have been handled better, and many metal detector users will agree that the find belongs in a museum and not hidden away in some private collection. But Gill fails to inform the reader that no offence was committed by either the finder or the landowner, he goes on “Why did these persistent metal detectorists fail to make a prompt declaration of the find-spot?” leaving the reader to speculate as to the perceived bad practice surrounding the find and its subsequent conservation and sale without offering any explanation himself, even though there is no evidence to suggest otherwise. Gill seems to be unaware that the PAS is a voluntary scheme and reporting is a matter of informed choice whilst he also conveniently forgets to add that all non-treasure finds belong to the landowner.

Gill asks the question ‘has the looting stopped.’ Again an emotive phrase, the Treasure Act and accompanying Portable Antiquities Scheme were never intended to stop ‘looting,’ something that seems to be lost on Gill. Looting is a criminal activity conducted with a metal detector as a tool and has no alliance with responsible metal detecting and as such should be dealt with like any other form of crime. He also infers that finders who do not report their finds or conform to the voluntary Code of Practice are somehow ‘irresponsible,’ by whose definition is unclear, but certainly a contradiction in terms.

Gill goes on to add speculative and unfounded comments as to the possibility of high grade finds being found, not reported and subsequently broken up and sold on. Where is the evidence to support this assumption? He adds further speculation suggesting that the PAS has been provided with misinformation as to the find-spots of finds it has recorded. Again where is the supporting evidence for this? Unfortunately for Gill it is

more controversial to focus on the extremely rare spectacular high value prestigious finds rather than the mundane general detector finds. These may be of little consequence to the media or elite academics yet are capable of providing so much raw archaeological data which since the inception of the PAS has begun to rewrite the archaeology of this nation.

In 1996, the final year that the *Treasure Trove Reviewing Committee* assessed finds under the old *Treasure Trove* system, there were 29 finds for consideration of which 26 were found by metal detector. This figure contrasts sharply with that following the introduction of the new law. From September 1997 to September 1998 there were 178 cases of *treasure* listed in the first Annual Report of the Treasure Valuation Committee although this figure should be increased to 205 and take into account the period up to 31st December 1998 to coincide with the calendar year. The number of reported *treasure* finds has risen considerably over the past few years; in 1999 there were 236 and in 2000 the number was 233. The foot and mouth outbreak reversed the trend slightly in 2001, down to 214, but by 2002 the numbers had again risen to 306. For 2003 it was 413, for 2004 the number was up again to 506, and again in 2005 to 592. In 2006 there was a further increase to 665; the last figures available reveal that 774 items were reported as *treasure* in 2007. Add to this the 651,000 objects recorded under the Portable Antiquities Scheme, not to mention the hundreds of new archaeological sites discovered, and the evidence would suggest that these so called conservation groups should be extolling the virtues of both the scheme and finders rather than pursuing some dogmatic fantasy.

None would argue that under statute the *Treasure Act* is overdue for review; the NCMD has actively participated not only in the first review, but the current review procedure. There are a wide range of issues that need to be addressed, but lack of understanding and practicalities of the act and its code of practice prohibits Gill from making comment on all but a few points covering the definition. The NCMD has also publicly made known that it would support one of the changes to the definition to which he refers, the inclusion of Roman base metal assemblages, which, had the review been undertaken when originally intended, may have included the Crosby Garrett deposition. However he also makes comparison with the Scottish system, implying that this system is somehow better, without any corroborated evidence or realistic proposal of by who or how such a system would be funded. The number of recorded items in England, Wales and Northern Ireland are far in excess of those of Scotland, which is viewed by detector users as further evidence of the success of the present system south of the border.