

**A Sea Road Arts Publication
for
Sussex Heritage Community**

Illicit Magnet Fishing



A Heritage Protection Guide

National Emergency – Coronavirus Covid-19

Limitations to the County Finds Officers' work under the Treasure Act

If a landowner or finder discovers any item likely to be Treasure or of historic or heritage interest, the Finds Officer cannot visit the site of the discovery. Finders are therefore bound by law to register their finds online and hold on to any finds, not to sell them privately or on the open market until government restrictions are lifted, the UK returns to normal and the item(s) are cleared by the Finds Officer.

While the national emergency lasts, it is an offence against the Covid-19 regulations to go magnet fishing as this is not exercise or essential activity or keywork.

Hyperlinks

All hyperlinks were live and valid at time of first publication. However, these change over time so readers may have to relink the information to the website.

We are not responsible for the contents of the websites so linked.

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Introduction

Magnet fishing is a new and growing hobby. It is fishing with very powerful magnets to find metal objects in lakes, pools, quarries, coastal locations, rivers, and wells – anywhere underwater that treasure or interesting artefacts might be found. However, as you will find in this guide, this seemingly innocent hobby is a very high-risk activity.

There are many organisations now selling magnets, ropes or lines, and other gear needed for this sport or hobby.

All these activities are done on land owned by an individual or an organisation or public authority. Some items found can be dangerous. Guns, hand-grenade, and other unexploded ordnance such as flares and shells have been recovered from the depths - and already two magnet anglers have died in water-based accidents. There are significant health & safety risks when using these exceptionally powerful magnets – and we detail these in this guide.

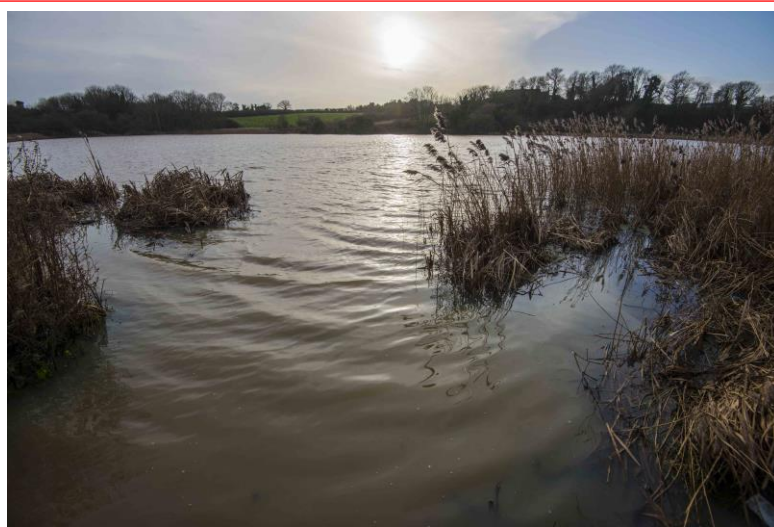
Many finds of coins, jewellery, ancient artefacts, for example, from ancient votive pools, may not be handed in to the County Finds Officer in accordance with the law on Treasure. This may be a deliberate crime – or it may unfortunately default to crime through ignorance of the law, or ignorance of the value of the discovered metal artefact.

It is possible to authorise this activity and control it. There are rules to follow, and this guide sets them out.

This Guide raises awareness of all interested parties about what magnet fishing is, what are the concerns, and how they might be dealt with – from a civil and police viewpoint.

Daryl Holter

Sussex Heritage Community



Magnet Fishing - A typical saga



Two friends hear about magnet fishing for the first time. They use the internet to buy a powerful neodymium magnet and a bright red magnet-fishing line or cord. They know of a lake in the woods in a country park near to a Roman Villa. They are sure that someone two thousand years ago must have lost a brooch, some coins or even a sword. They are excited to see what they can recover.

They can see from the signs at the edge of the park that the area is for everyone – walkers, riders, and cyclists – it is a public resource, good for mental health and exercise. They take a packed lunch and a small folding saw to cut an ash pole from a coppice to make the rod for the magnet line. They are not sure if they should cast the magnet far out into the lake or just trawl the magnet gently along the lake edge. They know of the legend of Excalibur where Arthur’s magnificent sword is cast into the deep and a hand in white samite clothing rises to catch it and take it down into the deep.

In great excitement, they cast in their magnet – and find this:



The object is heavy and seems made of iron with some bronze. Is it part of a shield? They find nothing else that day, so go back home in great excitement and on the internet they find an image of a similar shield boss from the 7th century belonging to a Germanic tribe called the *Langobardi* or Lombards. It is a mystery how it got to England from Italy – part of a trading expedition, perhaps?

What should they do now?

PART ONE - TREASURE



The Law on Treasure

Magnet fishing is similar in concept to metal-detecting. There is an official code of practice on metal detecting but as yet **no official code** of practice on magnet fishing. This guide proposes one – see later in the guide – on page 13.

However, anyone who finds potential Treasure is **bound by a legal obligation to report it.**

The law our two magnet-fishing friends are bound by is called the Treasure Act 1966. They have a legal obligation to report potential Treasure.

The law states that:

For all new finds of potential Treasure, finders must notify their local county or district **Finds Liaison Officer (part of the Coroner system)** and/or the **British Museum Treasure Team** (in England) by email (treasure@britishmuseum.org), with:

- photographs of the object
- and full details of the location of the discovery – called a ‘findspot’,
- finders' and landowners' details,
- and await further instruction.
- this must be done within 14 days of the discovery

More details on what our magnet fishing friends should do

In England, Wales and Northern Ireland, all finders of **gold and silver objects**, and **groups of coins** from the same finds, over 300 years old, have a legal obligation to report such items under the Treasure Act 1966.

Prehistoric **base-metal** assemblages found after 1st January 2003 also qualify as Treasure.

Summary Definition of Treasure

The following finds are Treasure under the Act, if found after 24 September 1997 (or, in the case of category 2, if found after 1 January 2003):

Any metallic object, other than a coin, provided that at least 10 percent by weight of metal is precious metal (that is, gold or silver) and that it is at least 300 years old when found. If the object is of prehistoric date, it will be Treasure provided any part of it is precious metal.

Any group of two or more metallic objects of any composition of prehistoric date that come from the same find (see below).

Two or more coins from the same find provided they are at least 300 years old when found and contain 10 percent gold or silver (if the coins contain less than 10 percent of gold or silver there must be at least ten of them).

Only the following groups of coins will normally be regarded as coming from the same find: Hoards that have been deliberately hidden; Smaller groups of coins, such as the contents of purses, that may have been dropped or lost; Votive or ritual deposits.

Any object, whatever it is made of, that is found in the same place as, or had previously been together with, another object that is Treasure.

Any object that would previously have been **treasure trove** but does not fall within the specific categories given above. Only objects that are less than 300 years old, that are made substantially of gold or silver, that have been deliberately hidden with the intention of recovery and whose owners or heirs are unknown will come into this category.

Note: 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. Finds may have become scattered since they were originally deposited in the ground.

The Portable Antiquity Scheme states:

What should I do if I find something that may be Treasure?

You **must** report all finds of Treasure to a coroner for the district in which they are found either **within 14 days** after the day on which **you made** the discovery or **within 14 days** after the day on which **you realised** the find might be treasure.

Your local [Finds Liaison Officer](#) can assist you in determining whether a find constitutes potential Treasure and can report the find to the coroner on your behalf.

Problems

The above advice is for those who find objects – the magnet fishing enthusiasts - but what about the landowner or public organisation in charge of the area where the 'fished' water is located? There lies the problem – there are no rules specifically addressing the growing hobby of magnet fishing – but magnets attract metal so the metal-detecting rules can be applied. All that is needed is a change here and there in the wording of the metal detecting code. So on the next pages is a re-draft of that code to suit magnet fishing. This guide proposes that all authorities controlling any body of water consider issuing and promoting the **Magnet Fishing Code**.

CODE OF PRACTICE FOR RESPONSIBLE MAGNET FISHING IN ENGLAND & WALES

Being responsible means:

Before you go magnet fishing:

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 and its body or bodies of water. These can be areas of land with any area or type of water that can be used to fish with magnets: for example:

Lakes, pools, ditches, quarries, and reservoirs.

Rivers, streams, rivulets, waterfalls, tanks, and wells.

Subterranean pools or other bodies of water in caves.

Coastal sea water, sea caves or the deep sea.

Remember that all land has an owner and consequently all bodies of water on owned land are also property. 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 or www.nfuonline.com).

2. Adhering to the laws concerning protected sites (e.g. 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).

3. Take extra care when magnet fishing near protected sites: for example, it is not always clear where the boundaries lie across large bodies of water.

4. You are strongly recommended to join a responsible magnet fishing or even a metal detecting club or association that encourages co-operation and responsive exchanges with other responsible heritage groups. Details of metal detecting organisations can be found at www.ncmd.co.uk or www.fid.newbury.net.

5. Before you go magnet fishing you should familiarise yourself with - and follow - the current **conservation advice** on the handling, care, and storage of archaeological objects (see www.finds.org.uk).

6. While you are magnet fishing: Be aware of your own safety near water. Check for life-saving equipment locations. Do not risk falling-in. Have someone with you to raise the alarm if there is an accident. Wear a flotation device before starting to fish with a magnet. Tell your family where you will be and what time you will be

coming back. If your magnet fishing line becomes caught on an underwater object do not try to enter the water to recover it. Far better to lose the equipment than your life.

7. Recording findspots as accurately as possible for all finds (i.e. to at least a 100m², using an Ordnance Survey map or hand-held Global Positioning Systems (GPS) device) whilst in the field.

8. 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 10 below).

9. 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).

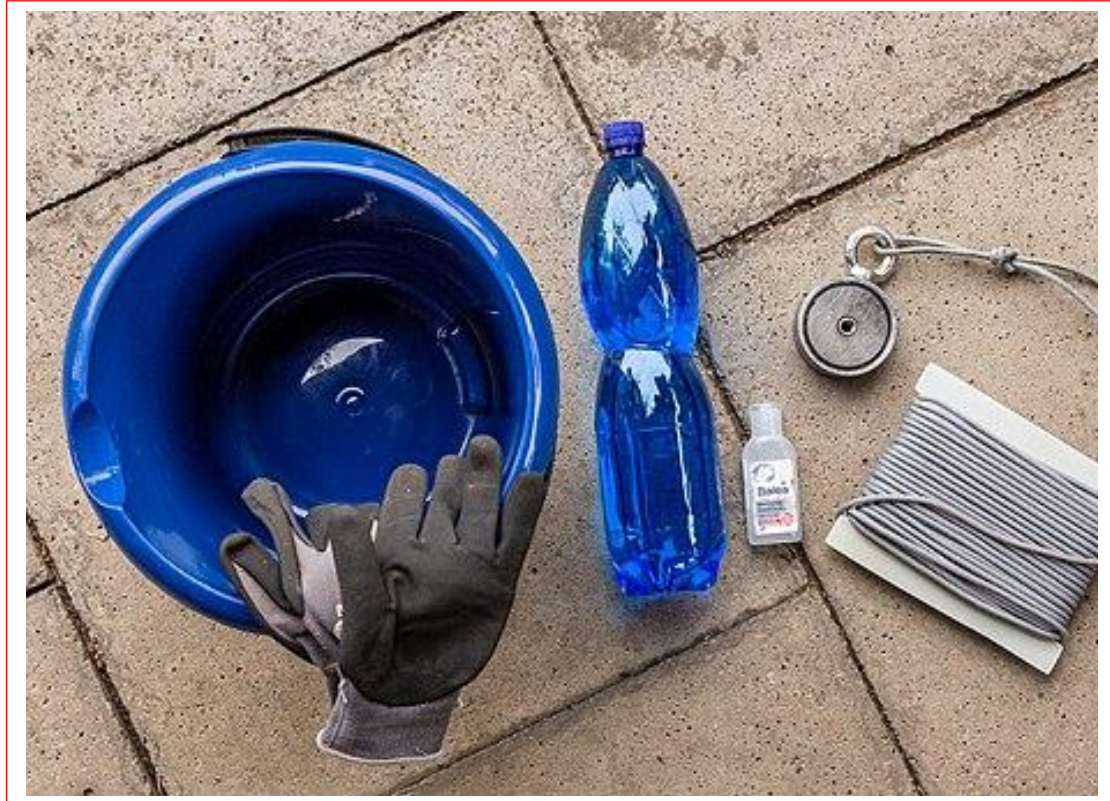
10. After you have been magnet fishing, report any finds to the relevant landowner/occupier; and (with the agreement of the landowner/occupier) to the **Portable Antiquities Scheme**, so the information can pass into the local Historic Environment Record. Both the Country Land and Business Association (www.cla.org.uk) and the National Farmers Union (www.nfuonline.com) support the reporting of finds. Details of your local Finds Liaison Officer can be found at www.finds.org.uk, email info@finds.org.uk or telephone +44 (0)20 7323 8611. 10. Abiding by the provisions of the Treasure Act and Treasure Act Code of Practice (www.finds.org.uk), wreck law (www.mcga.gov.uk) and export licensing (www.mla.gov.uk). If you need advice your local Finds Liaison Officer will be able to help you.

11. Seek expert help if you discover something large in any body of water - 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. Call the Police, and notifying the landowner/ occupier, if you find any traces of human remains.

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

14. For anything to do with crashed aircraft – see the page later on in the guide about using magnet fishing to recover items connected to air crashes.



PART TWO

MAGNETS – HEALTH & SAFETY



Magnetism - Overview

There are four types of permanent magnets – in general order of strength

- Ceramic or ferrite magnets (Iron)
- Alnico (Aluminium/Nickel/Cobalt)
- Samarium cobalt (SmCo)
- Neodymium iron boron (NdFeB) – most powerful known and able to lift thousands of times its own weight. These are the magnets used in magnet fishing.

Neodymium magnets are graded according to their maximum energy product, which relates to the magnetic flux output per unit volume. Higher values indicate stronger magnets. Some magnets are 'sintered' which means making a powder of the metals and pressing it into a lump using high pressure and heat.

For sintered NdFeB Neodymium magnets, there is a widely recognized international classification. Their values range from 28 up to 52.

Some important properties used to compare permanent magnets are:

- **Remanence (B_r)**, which measures the strength of the magnetic field.
- **Coercivity (H_c)**, the material's resistance to becoming demagnetized.
- **(Maximum) Energy product (BH_{max})**, the density of magnetic energy, characterized by the maximum value of magnetic flux density(B) times magnetic field strength (H).
- **Curie temperature (T_c)**, the temperature at which the material loses its magnetism.

Neodymium magnets used in magnet fishing have higher remanence, much higher coercivity and energy product, but often lower Curie temperature than other types of magnets. This means they are less efficient when it is hot.



What is Neodymium?

Advice to Landowners and organisations responsible for bodies of water.

Neodymium magnets are the most powerful magnets known. The element Neodymium is alloyed with iron to make the magnets for magnet fishing.

This extract from a Wikipedia article gives some more information:

Neodymium is a chemical element with the symbol **Nd** and atomic number 60. Neodymium belongs to the lanthanide series and is a rare-earth element. It is a hard, slightly malleable silvery metal that quickly tarnishes in air and moisture.

Neodymium was discovered in 1885 by the Austrian chemist Carl Auer von Welsbach. It is present in significant quantities in the ore minerals: monazite and bastnäsite.

Although neodymium is classed as a rare-earth element, it is fairly common, no rarer than cobalt, nickel, or copper, and is widely distributed in the Earth's crust. Most of the world's commercial neodymium is mined in China.

Neodymium magnets (actually an alloy, $\text{Nd}_2\text{Fe}_{14}\text{B}$ – Neodymium/Iron/Boron) are the strongest permanent magnets known.

A neodymium magnet of a few grams **can lift a thousand times its own weight.**

These magnets are cheaper, lighter, and stronger than samarium–cobalt magnets.

However, they are not superior in every aspect, as neodymium-based magnets lose their magnetism at higher temperatures and tend to corrode, while samarium–cobalt magnets do not.

Neodymium magnets appear in products such as microphones, professional loudspeakers, in-ear headphones, guitar and bass guitar pick-ups, and computer hard disks where low mass, small volume, or strong magnetic fields are required.

Neodymium is used in the electric motors of hybrid and electric automobiles and in the electricity generators of some designs of commercial wind turbines (only wind turbines with "permanent magnet" generators use neodymium). For example, drive electric motors of each Toyota Prius require one kilogram (2.2 pounds) of neodymium per vehicle.

Landowners and police should be aware that magnet fishing enthusiasts may 'cannibalise' radios, computers, musical instruments, or cars to obtain these magnets rather than buy them.

The Dangers of Neodymium

It is vital for landowners, organisations responsible for bodies of water and police and emergency service to understand that not all aspects of neodymium magnets have been fully explored or evaluated. This is especially important because the metal can corrode in water.

The following aspects are relevant:

Neodymium metal dust is combustible and therefore an **explosion hazard**.

Neodymium compounds, as with all rare-earth metals, are of low to moderate toxicity; however, its toxicity has not been thoroughly investigated.

Neodymium dust and salts are very irritating to the eyes and mucous membranes, and moderately irritating to skin. Breathing the dust can cause lung embolisms, and accumulated exposure damages the liver. Neodymium also acts as an anticoagulant, especially when given intravenously.

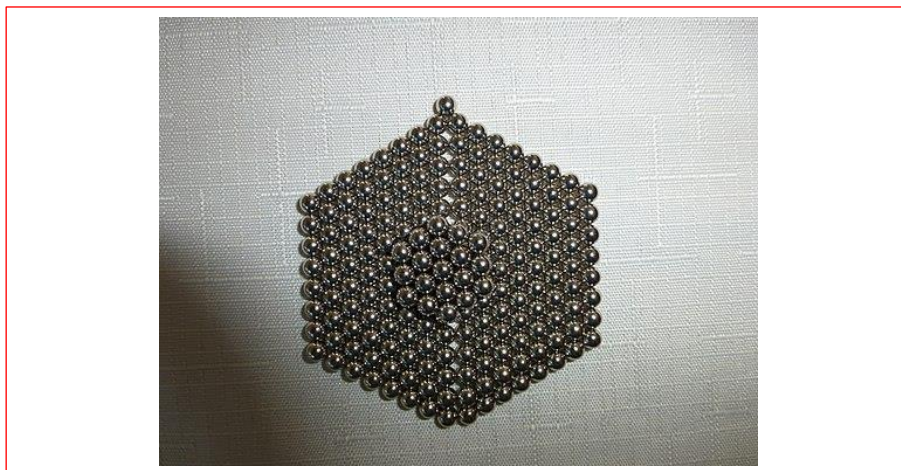
Neodymium magnets have been tested for medical uses such as magnetic braces and bone repair, but biocompatibility issues have prevented widespread application.

What Can Happen to a Magnet Fishing Enthusiast?

Commercially available magnets made from neodymium are exceptionally strong and can attract each other from large distances. If not handled carefully, they come together very quickly and forcefully, causing injuries. For example, there is at least one documented case of a person losing a fingertip when two magnets he was using snapped together from 50 cm (20 inches) away.

Another risk of these powerful magnets is that if more than one magnet is ingested, they can pinch soft tissues in the gastrointestinal tract.

It can therefore be seen that some urgent action is required to monitor and perhaps eventually police this activity – not to spoil the fun but to raise awareness of the safety aspects – and to protect families with children who may be curious to see what these shiny objects are.



High Risk Activity

Like rock climbing, magnet fishing is a high-risk activity. Many thousands of rock climbers never have a fall, but when things go wrong, it is time to call the mountain rescue. When magnet fishing you are going to be working on the edge of deep water, trying to pull up perhaps heavy objects with the most powerful magnet known. Your excitement could overwhelm your common sense. You could fall into the water and lose your mobile phone. If you do not have friend with you, then your life could end.

Therefore it is recommended that landowners and organisations responsible for bodies of water do not give permission to anyone to go magnet fishing on their land or controlled area alone. Agreements should be drawn up that combine the Treasure Act with the Health & Safety Act. A suggested agreement with individual magnet anglers is set out later in this guide - on page 27.

Are they fishing or magnet fishing?

It should be possible for the relevant authorities to tell the difference between illegal fishing and illegal magnet fishing. The cord thickness needed to hold the powerful magnet and pull up items is far thicker than ordinary fishing line. Also a strong pole will be used rather than a rod, if casting into deep water is thought to be the best way to find attractive objects.

Some magnet fishing will take place on bridges, with no pole used but just thick cord or rope attached to the magnet by a non-slip knot and dangled into the water. The companies that sell the magnets and cords also show buyers the kind of knots to be used to attach the magnets safely. Neodymium magnets have a nickel coating and when this is abraded by contact with metal, it can cause the iron component to rust the magnet, leading to corrosive breakdown.

Safety First

Unfortunately, these selling companies cannot do anything to stop the magnets and cords coming into the possession of small children - apart from giving advice and warnings. Young children easily notice the enthusiasm of their parents about some new game or project that 'mummy and daddy' are involved with, but the taking of a magnet and cord by a young child could lead to disaster as the forces which result from the casting of powerful magnets into water are outside their knowledge or control.

They could fall into deep water or swallow a small magnet. They could be scared that their parents would find that they had taken items without permission and try to recover them from water if they get caught up in reeds or jammed on underwater objects. It is therefore recommended that enthusiasts **lock their magnet fishing equipment away safely.**

Cases of Injury caused by Magnets

This Guide recommends that landowners and all relevant authorities responsible for bodies of water review their health & safety policies to consider the following unequivocal evidence of the dangers of high-power magnets, especially those made of neodymium used in magnet fishing.

A United Kingdom Journal of the Royal Society of Medicine medical report highlights the serious problem of separating pairs powerful magnets which have clamped parts of the human body together. The report states that:

'There are three methods commonly described to demagnetize ferrite materials—namely, application of a stronger magnetic field of opposite polarity, of a magnitude dependent on the coercivity of the material; heating of the magnet to a temperature above the Curie or Neel point; or repeated heavy hammering. We employed a more delicate technique by shearing the magnets away from each other, moving them perpendicular to the force of attraction.'

Then it gives a clear warning from a medical perspective of the deliberate or accidental misuse of very powerful magnets including those made of neodymium:

'Paediatric misadventures with magnetic objects are well described. Ingestion can result in obstruction, perforation, adhesion, and fistulation, especially when multiple objects interact across loops of bowel. Application of magnets across body parts such as the ears, nose, or penis, in an attempt to emulate adult body piercings, can result in tissue necrosis. The strength of a magnet depends on its chemical composition, and neodymium iron boron composites exert forces many times those of pure ferrite materials. These 'rare earth' magnets are brittle and can be recognized by their tenacious anticorrosive coating.'

Link to X-ray of severed fingertip caused by Neodymium magnet:

<https://gizmodo.com/1760139068>

The New York Times called for more regulation in the United States of America:

'The pictures and stories are the stuff of slapstick: wheelchairs, gurneys and even floor polishers jammed deep inside M.R.I. scanners whose powerful magnets grabbed them from the hands of careless hospital workers. The police officer whose pistol flew out of his holster and shot a wall as it hit the magnet. The sprinkler repairman whose acetylene tank was yanked inside, breaking its valve, and starting a fire that razed the building.'

'But the bigger picture is anything but funny, medical safety experts say. As the number of magnetic resonance imaging scanners in the country has soared from a handful in 1980 to about 10,000 today, and as magnets have quadrupled in power, careless accidents have become more frequent. Some have caused serious injuries and even death.

No one knows how many have occurred. But the safety experts say there is no doubt they are on the rise, and their growing frequency is prompting widespread calls for more regulation.'

One of the companies selling magnets does give a warning:

'Since our customer's safety is of utmost importance to us, we may refuse sales of magnets of over 1.5kg. If you are considering purchasing a large magnet, please consult us before selecting a suitable magnet. The bones of a finger, hand or arm can be crushed by a magnet leading to necrosis and amputation because the magnet cannot be pulled away easily. Make sure to handle large magnets with a few other people who are experienced in handing such magnets and be sure to take proper safety measures.'

The Guardian reports an accident during the Coronavirus outbreak in Australia:

Astrophysicist gets magnets stuck up nose while inventing coronavirus device:

Australian Dr Daniel Reardon ended up in hospital after inserting magnets in his nostrils while building a necklace that warns you when you touch your face.

United States Paediatricians warn about magnets being used by or with children

<https://www.healthychildren.org/English/safety-prevention/at-home/Pages/Dangers-of-Magnetic-Toys-and-Fake-Piercings.aspxn>:

General Rules and advice for the purchase and use of powerful magnets

Any two immensely powerful magnets will physically leap together with great force across a considerable gap and smash into each other – or into a part of the human body. If two people magnet fishing on a riverbank are too close to each other their magnets will rush towards each other and become almost inseparable. Any failure to concentrate on what you are doing may lead to danger.

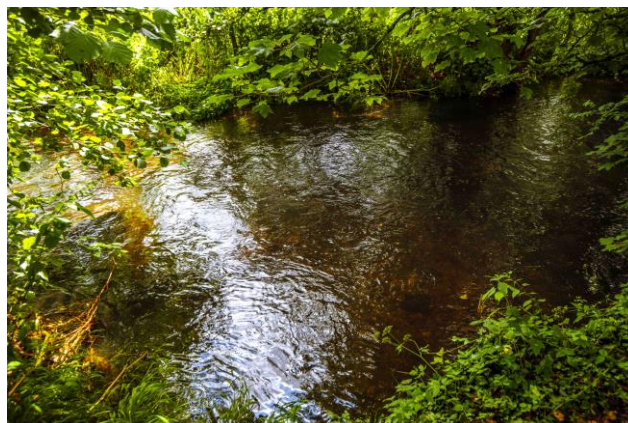
One leading company selling neodymium magnets recommends that users wear **safety goggles and gloves** and that children are never permitted to play with these magnets. Also they warn that damage can occur to all electronic devices including mobile phones and computers if these magnets are brought to within 20cm of any device. Now this means keeping these magnets **at least 8 inches away from sensitive devices all the time**. Examples of devices which can be hazarded are:

- mechanical watches,
- heart pacemakers,
- computer monitors and televisions,
- credit cards,
- diskettes
- video tapes

It can be seen that during the ‘fun’ being had when magnet fishing, a person’s mobile phone can be deactivated or damaged if a neodymium magnet comes into contact with it – and then if that person is fishing alone they will have no means of calling for help.

Safetymate

This Guide recommends that those who embark on magnet fishing take with them a friend or relation as a ‘Safetymate’.



Children

Neodymium magnets must never be given to children to play with. Injuries to children from a failure to observe this rule are:

- Blood blisters and cuts
- Damage to the intestines
- Swelling of the gut through pinching of two swallowed magnets
- Crushing of fingers
- Broken bones by large magnets
- Eye damage when two brittle magnets come together violently, and fragments break off.
- Deep cuts from slivers of fractured magnets

Adults

Adults with pacemakers can be seriously affected by proximity to magnets because their pacemaker-generated heart rhythms can be changed. Neodymium magnets are usually coated with nickel and this can cause 'nickel allergy' in some people.

Sending magnets by post

Royal Mail require that the magnetised material should have a magnetic field strength of less than 0.159A/m at a distance of 2.1m from the outside of the package and each package should include soft packing material at least 2cm thick around each item.

Sending by air

International Air Transport Association's 'Dangerous Goods Regulations', require 0.00525 gauss at a distance of 15 feet from the package. Improperly or insufficiently packaged magnets can interfere with aeroplane navigation systems.

Keepers

These are pieces of ferrous metal that are used to close the circuit, between two poles of a horseshoe-shaped magnet. By including a keeper that is attached to both poles of a magnet it means that all of the magnetic field is maintained within the circuit and none is emitted by the package in the post.

Waste Disposal

Magnets should always be disposed of carefully and in accordance with the **Special Waste Regulations (1996)**. Under no circumstances should magnetic material be disposed into watercourses and if disposing of large amounts, only licensed waste management contractors should be used.

MAGNET FISHING AGREEMENT

When you undertake magnet fishing on our property you give your personal assurance that you will act safely in all respects and adhere to the following requirements, namely.

- You will wear goggles to protect the eyes.
- You will wear gloves to protect your hands.
- You will wear a flotation device.
- You will ensure that your mobile phone battery is fully charged and check for effective signal strength.
- You will always keep magnets away from your mobile phone.
- You will take with you a friend/colleague/family member over 18 to act as your Safetymate.
- You will be in possession of a First Aid Kit and know how to use it.
- You will never permit any magnet to be in the possession of a child.

If you find anything that may be considered to be Treasure under the Treasure Act you will declare to us and to the Finds Officer of the County Coroner's Office.

Signed.....Magnet Angler

Name.....

Postal Address.....

Email.....

Telephone.....

Signed.....Safetymate

Postal Address.....

Email.....

Telephone.....

Authorising signature of Authority giving permission.....

Name.....date.....

PART THREE

POLICE, LEGAL AND REGULATION



Setting the Scene

An Interview with Mr Daryl Holter

Daryl Holter is a leading expert in heritage preservation. Here is an interview with Mr Holter in which he explains the key aspects of the problem of magnet fishing:

Magnet Fishing is a relatively new hobby in the UK, the idea is to attach a powerful magnet to a rope and dredge the surface of a river, stream, pond, or lake in hope that you will find something of interest. This hobby has seen a number of new enthusiasts take to nearby areas of water with varying results, sadly a number of finds have been incredibly dangerous, for example, ordnance.

Some enthusiasts have then made the decision to take these finds home with them, later placing their finds on to social media, in the case of ordnance this is incredibly dangerous and potentially life threatening consider if this to the finder and their family.

Whilst using a magnet to locate finds is not illegal there are of course laws in which you must obey, you must have land owners permission to carry out his activity, otherwise your actions could be deemed as theft and trespass, you could be in breach of the Military Remains Act 1986 too - make sure you have permission.

If you choose to dig into to a riverbank in order to remove an artefact this could be viewed as criminal damage and you could potentially be damaging a SSSI or an area of outstanding natural beauty.

If any items are treasure these will have to be reported as per the Treasure Act. There could also be local authority bylaws in place as well. Please consider taking all finds to your local Portable Antiquity Scheme Officer (The Coroner's Finds Officer) for recording. Provenance, understanding and the historical record are so important, so please do not ignore the value of our shared heritage.

Another area of concern is for shipping and the use of craft on the water, your magnets could interfere with navigational and communications equipment, your line or rope could become entangled with a propeller or rudder. Also consider if your magnet or line is broken or snagged you may well then be polluting the water and impacting on wildlife and fisheries. Wildlife could become snared, trapped, or injured, this will cause suffering and ultimately death. Please be responsible.

Ensure any unwanted metal finds are disposed of correctly, if discarded with no care these items could injure members of the public, pets or wildlife, especially if they have sharp edges or are left on footpaths or cycle ways where they may not be seen until the last minute.

Like any recreational activity close to water, please consider water safety and the dangers of drowning, not only consider yourself but those that maybe with you - and those that may have to save you should the worst happen.

With regards finds you will of course only attract items with a metallic content. You may well bring up steel artifacts, the likelihood is these finds will be 20th century detritus, greatly deteriorated and of little use or value. However, some of those items may be, as previously stated, live ordnance such as, grenades, explosive rounds, magnetic parachute mines, mortars, firearms, or bladed artifacts, all incredibly dangerous.

When such an occasion occurs it is imperative that the ordnance is not touched, and the Police are called immediately on 999. It is for the Explosive Ordnance Disposal team (E.O.D) to deal with this situation as the finds could well pose risk to life. At no time should the object be moved for a better photo, investigated, interfered with or unreported and taken home, this would pose even further risk to life. **You are not qualified to make these decisions, so leave this to the experts!**

There are concerns that items found are taken home as trophy pieces of later sold, again this is incredibly dangerous and could be in breach of the Firearms Act. Firearms or ordnance could well have component parts that make up a firearm, thus breaching the Firearms Act 1968. If unknowingly sold on, they could find their way to unscrupulous hands.

Sadly there are posts where by people magnet fishing appear proud of having involved the E.O.D and emergency services, posts showing this type of activity where ordnance is located is irresponsible, this behaviour will only encourage others to search for such items, again risking lives.

I impress on all those that participate in this hobby that there are inherent dangers, the risk posed to not only the finder is extended to the emergency services and the E.O.D who will have to deal with some of these objects or your emergency, this can be resource intensive, please consider all the dangers of this hobby, please don't endanger lives unnecessarily.

Guns, Knives and Other Items used in Crime

Criminals will sometimes throw away. This is key evidence for police forensic teams. The location of disposal and the weapon are both vital for solving the case. Sometimes criminals steal laptops or cameras and dispose of them in water during a pursuit. Recovering a crime scene item using Neodymium magnets could have a damaging effect on magnetic storage within devices, nevertheless they should be handed to police.

A newspaper article shows how 12 guns were found in Somerset when magnet fishing:

<https://www.telegraph.co.uk/news/2017/09/05/father-son-find-cache-12-weapons-trawling-river/>



EOD – Explosive and Bomb Disposal

Magnet fishing is not discriminatory. All types of metal can and will be brought up from the deep. That is part of the fascination of the hobby or pursuit. The problem is that wartime weapons that fall from aircraft or are disposed of illicitly can still explode when recovered – and using magnets makes it worse.

Here are some examples of hand grenades found by magnet fishing:

BBC report: <https://www.bbc.co.uk/news/uk-england-leicestershire-48993141>

<https://eu.usatoday.com/story/news/nation/2019/11/28/michigan-magnet-fishing-man-finds-wwi-era-live-grenade-river/4325324002/>

If you as a landowner or water authority find that someone magnet fishing on your property has found an explosive device, you should tell the police immediately using 999. The police will then alert the Army EOD team:

<https://www.army.mod.uk/who-we-are/corps-regiments-and-units/royal-logistic-corps/rlc-regular-units/11-eod-regiment/>

The Army explains that 11 EOD&S Regiment RLC employs around 500 specialist soldiers selected from five individual corps within the British Army. Ammunition Technicians form the majority of the Regiment's personnel, together with Drivers and Supply Specialists, belonging to the Royal Logistic Corps.

The Royal Corp of Signals provide our Electronic Counter Measures and Communications Specialists. Military intelligence operators staff our intelligence section providing the Regiment with essential counter terrorist information. REME Technicians keep our vehicles, specialist equipment, such as 'Wheelbarrow' bomb disposal robots and our high-tech electronics, operational. Administrators from the Adjutant General Corps are employed in our UK and overseas units.



Magnet Fishing: Taking Metal from Air Crashes in Water

People intending to use magnets to fish for metal should read these two key documents:

<https://historicengland.org.uk/images-books/publications/military-aircraft-crash-sites/milaircsites/>

and

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/28264/POMRACTBOOKLET_Jun11.pdf

Anyone fishing with magnets should note the following statement:

Protection of Military Remains Act 1986

1. The remains of all aircraft which crashed whilst in military service, whether on land or at sea, are protected to the extent laid down by the Protection of Military Remains Act 1986. It is an offence under this Act to tamper with, damage, move or unearth any remains which come within the scope of the Act unless the Secretary of State has issued a Licence authorising such things to be done, and they are done in accordance with the conditions of the Licence. Aircraft remains which come within the Act include: a. The remains of aircraft which have been in the military service of any country and which lie in UK territorial waters; and b. The remains of all aircraft which have been in UK military service lying in international waters.



PART FOUR

CONTROL AND ACCESS



Organisations controlling access to Inland bodies of water

As well as individual landowners, the following organisations control and/or are responsible for bodies of inland water.

Defra Helpline

Seacole Building
2 Marsham Street
London
SW1P 4DF
United Kingdom

[Contact Form: Defra Helpline](#)

Telephone (UK only)
03459 33 55 77

Telephone (from outside the UK)
+44 20 7238 6951

The quickest way to get a response is to call our Helpline which is open Monday to Friday 8:30am to 5pm (find out about call charges at www.gov.uk/call-charges). Alternatively you can email us or write to us at the postal address given above. We aim to reply to emails within fifteen working days. During the COVID-19 outbreak, as we work from home, responses to postal queries will be significantly delayed.

Environment Agency

General enquiries

Telephone: 03708 506 506

Telephone from outside the UK: +44 (0) 114 282 5312
(Mon to Fri, 8am to 6pm)

Email address: enquiries@environment-agency.gov.uk

National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY

National Trust

<https://www.nationaltrust.org.uk/>

English Heritage

<https://www.english-heritage.org.uk/about-us/contact-us/>

National Parks – central contact point: <https://www.nationalparks.uk/about-us/contact-us>

There are 10 National Parks in England, 3 in Wales and 2 in Scotland, they are:

- **England** - Broads, Dartmoor, Exmoor, Lake District, New Forest, Northumberland, North York Moors, Peak District, Yorkshire Dales, and South Downs.
- **Wales** - Brecon Beacons, Pembrokeshire Coast, and Snowdonia
- **Scotland** - Cairngorms and Loch Lomond & the Trossachs.

Individual Contact points:

- National Parks UK

Yare House
62-64 Thorpe Rd
Norwich
NR1 1RY
Tel: 07748302608
Email: pressoffice@nationalparks.uk

- National Parks England

Can Mezzanine
7-14 Great Dover Street
Borough
London
SE1 4YR
Tel: 020 3096 7979
Email: enquiries@nationalparksengland.org.uk

- National Parks Wales

Pembroke Dock
Pembrokeshire
SA72 6DY
Tel: 0845 3457 275
Email: ask@nationalparkswales.gov.uk

- Brecon Beacons National Park Authority

Cambrian Way

Brecon

Powys

LD3 7HP

Tel: 01874 624437

Email: enquiries@breconbeacons.org

- Broads Authority

Yare House

62-64 Thorpe Road

Norwich NR1 1RY

Tel: 01603 610734

Email: broads@broads-authority.gov.uk

- Cairngorms National Park Authority

14 The Square

Grantown on Spey

PH26 3HG

Tel: 01479 873535

Email: enquiries@cairngorms.co.uk

- Dartmoor National Park Authority

Parke,

Bovey Tracey

Newton Abbot

Devon

TQ13 9JQ

Tel 01626 832093

Email: hq@dartmoor-npa.gov.uk

- Exmoor National Park Authority

Exmoor House
Dulverton
Somerset
TA21 9HL
Tel: 0398 323665
Email: info@exmoor-nationalpark.gov.uk

- Lake District National Park Authority

Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL
Tel: 01539 724555
Email: hq@lakedistrict.gov.uk

- Loch Lomond & the Trossachs National Park Authority

Carrochan
Carrochan Road
Balloch
G83 8EG
Tel. 01389 722600
Email: info@lochlomond-trossachs.org

- New Forest National Park Authority

Lymington Town Hall
Avenue Road
Lymington
SO41 9ZG
Tel: 01590 646600
Email: enquiries@newforestnpa.gov.uk

- Northumberland National Park Authority

Eastburn
South Park
Hexham
Northumberland
NE46 1BS
Tel: 01434 605555
Email: enquiries@nnpa.org.uk

- North York Moors National Park Authority

The Old Vicarage
Bondgate
Helmsley
North Yorkshire
YO62 5BP
Tel: 01439 772700
Email: general@northyorkmoors.org.uk

- Peak District National Park Authority

Aldern House, Baslow Road
Bakewell, Derbyshire
DE45 1AE
Tel: 01629 816200
Email: customer.service@peakdistrict.gov.uk

- Pembrokeshire Coast National Park Authority

Llanion Park
Pembroke Dock
Pembrokeshire
SA72 6DY
Tel: 0845 345 7275
Email: info@pembrokeshirecoast.org.uk

- South Downs National Park Authority

South Downs Centre, Midhurst
North Street
Midhurst
West Sussex
GU29 9DH
Tel: 01730 814810
Email: info@southdowns.gov.uk

- Awdurdod Parc Cenedlaethol Eryri / Snowdonia National Park Authority

Gwynedd
LL48 6LF
Tel: 01766 770274
Email: parc@eryri-npa.gov.uk

- Yorkshire Dales National Park Authority

Yoredale
Bainbridge
Leyburn
North Yorkshire
DL8 3EL
Tel: 0300 456 0030
Email: info@yorkshiredales.org.uk

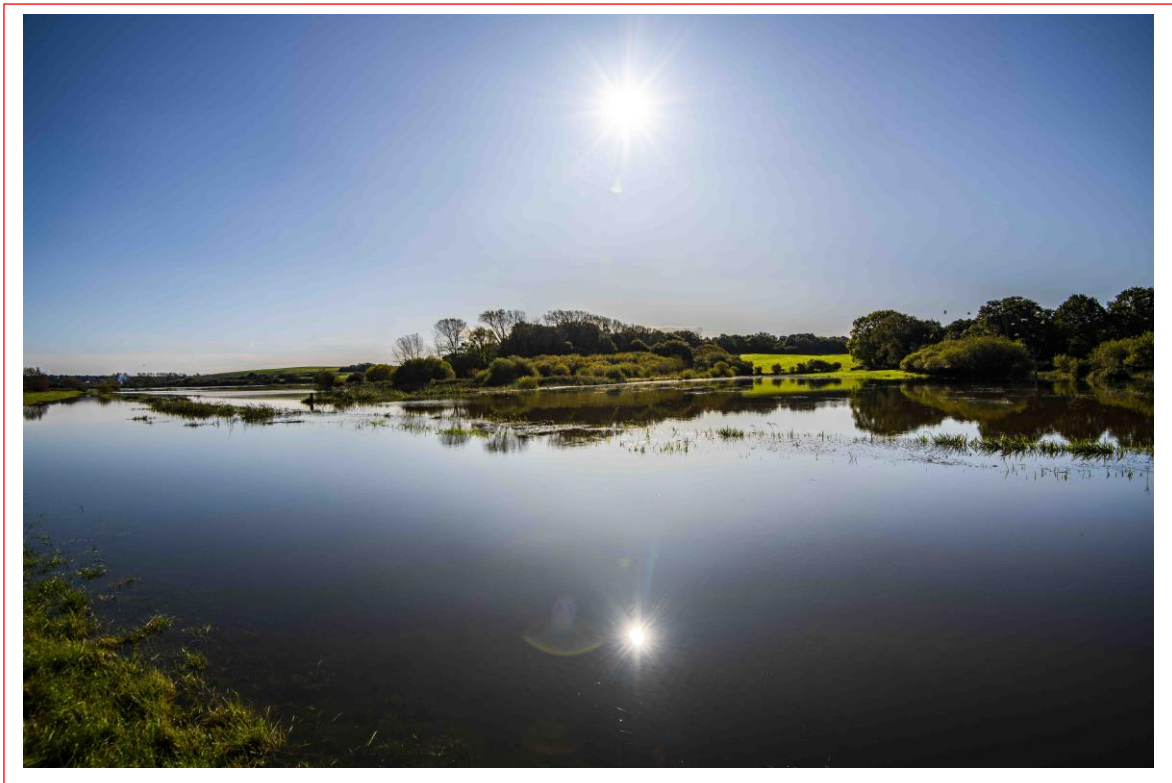
Landowners Responsibility for Riverside Ownership:

<https://www.eastsussex.gov.uk/media/8360/riparian-ownership.pdf>

Lakes and Water Features

Lakes are often the major design feature of historic parks and gardens. The care and management of these features is often complex and costly. Specialist advice is often needed. Here is the link to information about:

- [Reservoirs Act and owners' statutory safety responsibilities](#)
- [Lake design and construction](#)
- [Wildlife interest and waterfowl](#)
- [Archaeological features, and water meadows](#)
- [Restoring lakes](#)
- [Maintenance of dams, spillways, gates, and valves](#)
- [Water levels, infilling, breaching and de-silting](#)
- [Sustainable drainage systems \(SuDS\)](#)



THE COAST

As well as individual landowners, the following organisations control and/or are responsible for bodies of coastal water:

The coastal handbook

A guide for all those working on the coast - a collaborative project between the Environment Agency and Maritime Local Authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/292931/geho0610bsue-e-e.pdf

Maritime and Coastal Act 2009

http://www.legislation.gov.uk/ukpga/2009/23/pdfs/ukpga_20090023_en.pdf

Marine Conservation

Laws that protect particular species

The Wildlife and Countryside Act 1981 protects certain species from disturbance, injury, intentional destruction, or sale. These include seabirds, dolphins, whales, basking sharks, and porpoises. The European Habitats Directive and the national Regulations that implement it provide similar protections for 'European protected species'. These include dolphins, porpoises, and whales.

Laws that protect special habitats and areas

Some habitats and areas of the sea have special protection. These include marine Special Areas of Conservation, marine Special Protection Areas and Marine Conservation Zones.

Hyperlink here: [Go to the Marine Protected Areas page for more information.](#)

Laws that set standards for the state of the sea

Hyperlink here: [Marine Strategy Framework Directive 2008/56/EC](#)

This Directive aims to achieve good environmental status in Europe's seas by 2020. It sets general standards for different aspects of the marine environment, such as pollution and biodiversity. These include:

- making sure that fish and shellfish populations are within safe biological limits
- maintaining marine biodiversity

- making sure that activities that permanently affect waves, tides and currents do not have a negative effect on marine ecosystems. This includes things like flood protection, wind farms and navigation.

In order to comply, the government first had to assess the state of UK seas and set detailed standards deciding exactly what counts as good environmental status. It then had to introduce monitoring programmes. Finally, it introduced a programme of measures for achieving good environmental status.

Water Framework Directive 2000/60/EC

This Directive covers estuaries and the coastal sea going out 1 nautical mile (3 nautical miles in Scotland) as well as inland waters such as lakes and rivers. For estuaries and coastal waters, it requires member states to aim to achieve good ecological status and good chemical status. This involves meeting standards for plant and fish and communities, as well as things like pollutant concentrations. In some situations the government can set lower standards (known as 'objectives'). The government must produce and implement river basin management plans aimed at achieving the objectives.

Ownership of the seabed and sovereign rights

The seabed to 12 nautical miles is largely owned by the Crown and managed on its behalf by the Crown Estate Commissioners as is much of the foreshore. The remainder is in a mixture of public and private ownership.

Beyond the 12 nautical mile limit the seabed is ownerless but various government bodies have sovereign rights over marine resources to the edge of the continental shelf and the 200 nautical mile limit (the exclusive economic zone). The Department for Energy and Climate Change have responsibility for oil and gas, and the Crown Estate for offshore wind.

Under s 40 of the Natural Environment and Rural Communities Act 2006 public bodies such as the Crown Estate have a duty to have regard for the conservation of biodiversity in exercising their functions, which would include exercising their ownership function.

The ownership of the UK's marine fishing rights has not been confirmed by statute but under the common law is regarded as owned by the Crown on behalf of the public.

Legislation

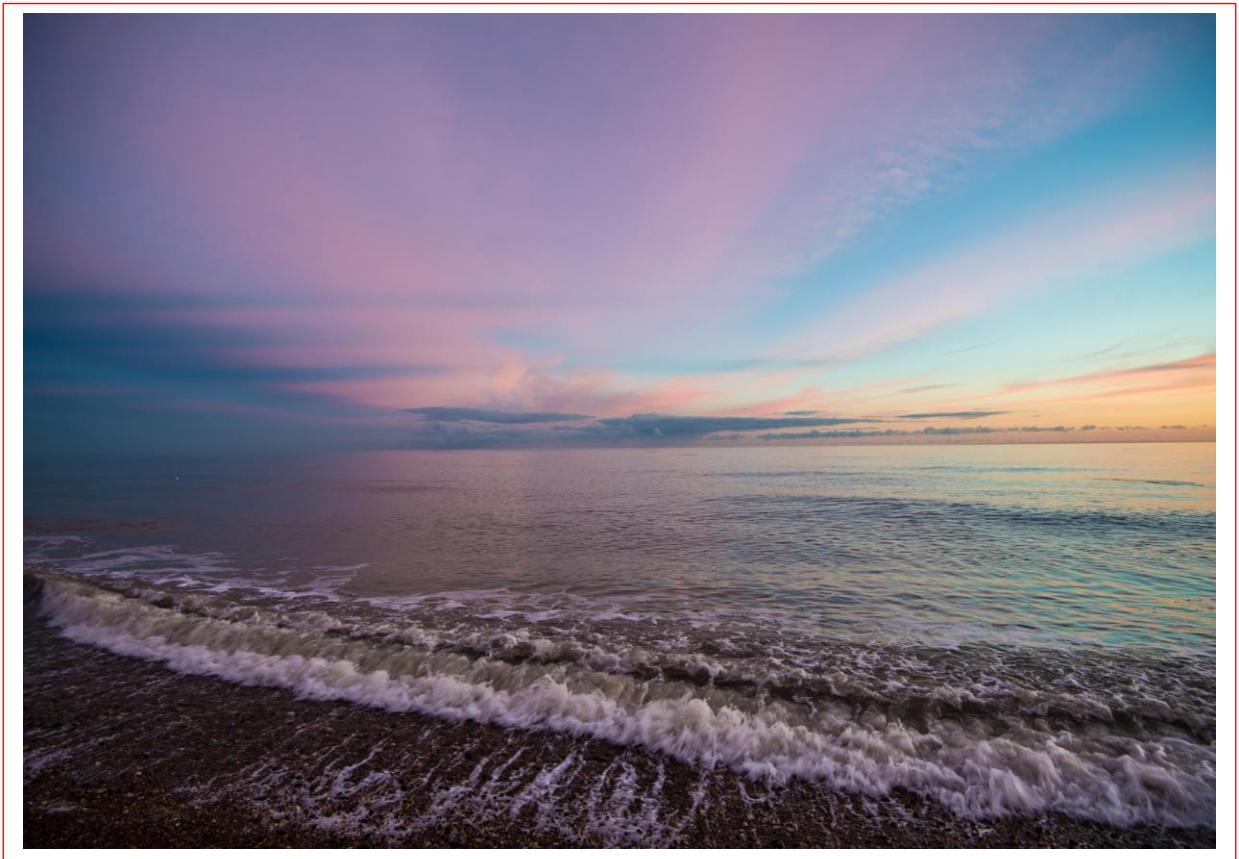
[United Nations Convention on the Laws of the Sea II](#)

[The Crown Estate Act 1961](#)

[The Continental Shelf Act 1964](#)

[The Territorial Sea Act 1987](#)

[Natural Environment and Rural Communities Act 2006](#)



Wildlife Protection - Wildlife and Countryside

Nature Conservation Law in the UK

Nature conservation law in the UK is complex. Some of the provisions have been in force since 1949. National law has been supplemented by measures under European Community Directives for the management and protection of habitats and species of European importance. In recent years, the devolved governments have introduced further differences in law and policy between England, Wales, Scotland, and Northern Ireland.

Click on the links below for information about:

- [Roles and responsibilities \(UK\)](#)
- [Protected species \(national\)](#)
- [National designated sites: nature reserves](#)
- [Purchase of nature reserves](#)
- [National designated sites: marine nature reserves](#)
- [National designated sites: SSSIs](#)
- [European protection of nature and wildlife](#)
- [International protection of nature and wildlife](#)

National designated sites: nature reserves

Nature reserves (NNRs) are land established under the National Parks and Access to the Countryside Act 1949 and managed:

- for the purpose of research and study of flora and fauna or geological and physiographical features; and/or
- for the preservation of such special features.

National Nature Reserves may be established and declared by the statutory nature conservation agencies and managed by them or an approved body. Local authorities may also establish nature reserves and declare them Local Nature Reserves, provided the relevant statutory nature conservation agency approves.

Information about how conservation bodies purchase nature reserves as a way of conserving wildlife and their habitats is [available here](#).

Nature reserves are not off limits, but we do have certain responsibilities to them:

- If you are an owner of a nature reserve and have entered into a nature reserve agreement with a conservation agency, you have an obligation to manage your property in a manner sympathetic to continued wildlife and habitat protection and conservation.
- If you live near a nature reserve or intend to visit one, you have a duty to obey the by-laws and the Countryside Code that governs them and to respect the property rights of the owner. You also have a responsibility to respect and take an active interest in caring for the wildlife and the habitats that are hosted by the nature reserve.

Protected species (national)

The main provision for the protection of species in Great Britain is Part I of the Wildlife and Countryside Act 1981 as amended. Amongst other things, the Act makes it a criminal offence to:

- intentionally kill, injure, or take a wild bird or animal.
- be in possession of any wild bird or animal or anything derived from them.
- sell or offer for sale wild birds or their eggs.
- intentionally or recklessly damage or destroy a nest, or place of shelter or rest for wild animals
- intentionally pick, uproot, or destroy wild plants.

The offence is subject to exceptions and defences. These are set out in the Act.

The measures apply to the birds & animals listed in Schedule 5 to the Act, and to the plants in Schedule 8. The Joint Nature Conservation Committee reviews both Schedules every five years and recommends appropriate changes to the relevant Ministers. In Northern Ireland, the equivalent provisions are provided by the Wildlife (Northern Ireland) Order 1985 as amended.

It is also an offence to introduce new species into the wild or release species listed in Schedule 9 of the Wildlife and Countryside Act 1981 as amended.

More information about wildlife offences is [available here](#).

There is also specific and separate legislation relating to deer, seals, and badgers as well as generic laws such as the Sea Fisheries (Wildlife Conservation) Act 1992 and the Wild Mammals (Protection) Act 1996.

Note that the pages on [European Protection of Nature and Wildlife](#) and [International Protection of Nature and Wildlife](#) refer to additional national legislation that gives effect to European and International laws concerning wildlife protection.

National designated sites: SSSIs

Sites of Special Scientific Interest (SSSIs)

SSSIs are areas of special interest due to their fauna, flora, geological or physiographical features. The relevant statutory agencies and the DoENI designate areas as SSSIs under a special notification procedure. In brief, this means that an agency can only confirm an area as an SSSI if it has first notified the owner and occupier (as well as the local planning authority and Secretary of State) and given them a chance to make representations.

SSSIs were first notified under the National Parks and Access to the Countryside Act 1949. The current statutes in force are:

- for England and Wales, the Wildlife and Countryside Act 1981 as amended (primarily by the Countryside and Rights of Way Act 2000).
- for Scotland, the Nature Conservation (Scotland) Act 2004
- for Northern Ireland, the Environment (Northern Ireland) Order 2002.

SSSIs form a national network of sites which also underpin sites designated to meet international obligations. All [national nature reserves](#) are also notified as SSSIs.

How are SSSIs protected?

In SSSIs, certain activities are prohibited and there are legal duties concerning how the areas should be managed and protected.

- It is an offence to intentionally or recklessly damage, disturb or destroy land known to be an SSSI or intentionally or recklessly disturb the wildlife in an SSSI. It is also an offence to take down, damage or obstruct an SSSI notice or sign.
- If you are owner or occupier of an SSSI, it is an offence to carry out any activity that may likely damage the SSSI without consent from the relevant conservation agency. The law requires that you inform the conservation agency of any change in ownership or occupancy.
- Under the Wildlife and Countryside Act the owner or occupier may enter into a management agreement for the purposes of securing the SSSI special interest.
- Public bodies are not allowed to carry out damaging operations on an SSSI, except where they notify the relevant conservation agency. It is also an offence for a public body to fail to minimise damage done to an SSSI or - if damage occurs - to fail to restore an SSSI to its former state.

- Statutory bodies have a general duty to take reasonable steps to further the conservation and enhancement of the special feature of SSSIs.
- Where statutory bodies propose to undertake or permit activities that could affect a SSSI they must consult the relevant statutory nature conservation agency. If the activity cannot be avoided, it must be undertaken in a way least damaging to the SSSI.

The offences carry various penalties, including a fine of up to £20,000 in the Magistrates court or an unlimited fine in the Crown Court for carrying out work without permission, or for causing damage to an SSSI.



The Law

Countryside, Wildlife and Landscape Legislation

[Highway Act 1980](#)

[The Countryside and Rights of Way Act 2000](#)

[Natural Environment and Rural Communities Act 2006](#)

[Land Reform \(Scotland\) Act 2003](#)

[Scottish Outdoor Access Code](#)

Protected landscapes

Nationally important landscapes have protection through the law. These special areas have been designated by drawing a carefully chosen line on a map, although the system is different in the various parts of the UK.

National Parks

The first National Parks – designated in 1951 - in the UK were the Peak District and the Lake District. The most recent are Loch Lomond and the Trossachs (2002) and the Cairngorms (2003) in Scotland and the New Forest (2005) and South Downs in England (2010). Northern Ireland is currently considering its first National Park – the Mourne Mountains. The Parks are enjoyed by millions of people and their landscape, wildlife and cultural heritage have the highest level of protection in terms of landscape and scenic beauty.

In England and Wales National Parks and Areas of Outstanding Natural Beauty are designated under the National Parks and Access to the Countryside Act 1949. It is the job of Natural England and Natural Resources Wales to designate these areas. There are currently 13 in England and Wales covering about 10% of the land area. The purposes of designation for National Parks are to:

- Conserve and enhance their natural beauty, wildlife, and cultural heritage and
- Promote public understanding and enjoyment of their special qualities.

In case of an irreconcilable conflict priority is given to the first purpose of conservation.

The Broads is designated under its own Act of Parliament (the Broads Act 1988) and there is an additional purpose to protect the interests of navigation (and no rule about conflicts).

National Parks can be run by National Park Authorities. These Authorities have a mix of locally and nationally appointed members. In pursuing Park purposes, the Authorities have a duty to seek to foster the socio-economic interest of their local communities (Section 62 of the Environment Act 1995).

Areas of Outstanding Natural Beauty (AONB)

There are currently 34 Areas of Outstanding Natural Beauty in England and Wales covering about 15% of England and 5% of Wales. AONBs are areas designated for the purpose of conserving and enhancing their natural beauty. This includes landform and geology, plants and animals, landscape features and the rich history of human settlement over the centuries.

The Countryside and Rights of Way Act 2000 brought in new duties for conservation boards set up to look after AONBs (although they do not all have a board). These include:

- Meeting demands for recreation (without comprising the original purpose).
- safeguarding rural industries and the interests of local communities.

Responsibilities of Others

Under the National Parks and Access to the Countryside Act 1949 and the CROW Act 2000, public bodies (like local authorities and utility companies) are under a special duty to have regard to the purpose of a National Park or AONB.

Varying the boundary

Natural England and Natural Resources Wales may vary a National Park boundary using powers granted under the Wildlife and Countryside Act 1981 and an AONB Designation Order under the Countryside and Rights of Way Act 2000. Any boundary change made through these powers will be set out in a (Boundary) Variation Order. A boundary review is currently going on for an area between the Lake District and Yorkshire Dales National Parks, which, if progressed, would effectively extend the boundary of both Parks.

Scotland

[You can read about Scotland's system of Protected Landscapes here](#)

Legislation

[National Parks and Access to the Countryside Act 1949](#)

[Countryside and Rights of Way Act 2000](#)

[Natural Environment and Rural Communities Act 2006](#)

[Wildlife and Countryside Act 1981](#)

Find below a list of international treaties, European and UK legislation regulating wildlife and nature. This list is not intended to be exhaustive.

International

[Ramsar Convention on Wetlands 1971](#)

International framework for national action and international cooperation on the conservation and management of wetlands and their resources.

[World Heritage Convention 1972 \(WHC\)](#)

Protects cultural or natural sites that of the greatest value to humanity.

[Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973 \(CITES\)](#)

Regulates international trade in endangered plants and animals and the products derived from them.

[Convention on the Conservation of Migratory Species of Wild Animals 1979 \(CMS or Bonn Convention\)](#)

Regulates the protection and conservation of migratory species and their habitats

[UN Convention on the Law of the Sea 1982 \(UNCLOS\)](#)

UNCLOS provides the legal framework for international governance of seas and oceans and their resources.

[Convention on Biological Diversity 1992 \(CBD\)](#)

An international treaty formulated to sustain the rich variety of life on earth

European

[Convention on the Conservation of European Wildlife and Natural Habitats 1979 \(Bern Convention\)](#)

Conserves wild flora and fauna and their natural habitats and to promote European cooperation in this area.

[Directive 79/409/EC on the Conservation of Wild Birds](#) (the Wild Birds Directive 1979)

Provides wide ranging protection for Europe's wild birds.

[Directive 92/43/EC on the Conservation of Natural Habitats and of Wild Fauna and Flora](#) (the Habitats Directive 1992)

Protects European biodiversity through the adoption of wide-ranging conservation measures which protect rare, threatened, or endemic species. Also provides the legal framework for Natura 2000.

National (Specific focus on England and Wales)

[Whaling Industry \(Regulation\) Act 1934](#) as amended by the [Fishing Limits Act 1976](#) and the [Fisheries Act 1981](#).

Prohibits the use of any ship for whaling of any species of cetacean within United Kingdom Fishery Limits.

[Plant Health Act 1967](#)

Main legislation on plant health in England and Wales

[Conservation of Seals Act 1970](#)

Specific legislation for conservation of seals in England and Wales

[Customs and Excise Management Act 1979](#)

Legislation used by Customs officers to enforce CITES in the UK

Wildlife & Countryside Act 1981 (WCA)

Implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in the UK.

[The Deer Act 1991](#)

Main legislation protecting wild deer in England and Wales

[Protection of Badgers Act 1992](#)

Main law protecting badgers in England and Wales.

Conservation (Natural Habitats, & c.) Regulations, 1994

Implements in England and Wales the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

[The Control of Trade in Endangered Species \(Enforcement\) Regulations 1997](#) (note that the regulations have been amended by the [Control of Trade in Endangered](#)

[Species \(Enforcement\) \(Amendment\) Regulations 2005](#) and the [Control of Trade in Endangered Species \(Enforcement\) \(Amendment\) Regulations 2007](#)

UK regulations implementing the provisions of the Convention on International Trade in Endangered Species (CITES)

[The Countryside and Rights of Way Act 2000 \(CROW ACT\)](#)

Provides new right of way on foot for certain types of land and strengthens wildlife protection and enforcement powers.

[The Hunting Act 2004](#)

Prohibits hunting down of wild animals with dogs.

[Plant Health \(England\) Order 2005](#)

Protects plant health in England.

[Plant Health \(Wales\) Order 2006](#)

Protects plant health in Wales.

[Natural Environment and Rural Communities Act 2006](#) (NERC)

Creates Natural England and the establishment of the Commission of Rural Communities. It also deals with the Public Rights of Way in relation to the use mechanically propelled vehicles.

[The Plant Health \(England\) \(Amendment\) \(No. 2\) Order 2008](#)

Amends the Plant Health (England) 2006 to implement EC Directives that prevent the introduction and spread of harmful pests and diseases in England.

[The Plant Health \(Wales\) \(Amendment\) Order 2008](#)

Amends the [Plant Health \(Wales\) Order 2006](#) to implement EC Directives that prevent the introduction and spread of harmful pests and diseases in Wales.

[The Marine and Coastal Access Act 2009](#)

Introduces a new framework for managing marine activities based on marine spatial planning. Provides for the creation of Marine Conservation Zones - a new kind of marine protected area. Aims to improve coastal access through the creation of a long-distance coastal route around England and Wales.

Dos and Don'ts of Public Rights of Way

Dos

Footpaths

This public right of way is meant for pedestrians only. You are allowed to walk your dog as long as it is under your close control. When walking a dog, you must ensure that it keeps to the public footpath and does not trespass into nearby properties. Prams, pushchair, or wheelchairs can also be used on a footpath.

Bridleways

These are meant for walkers, horse riders and bicyclists. Bicyclists are expected to give way to walkers and horse riders.

Byways Open to All Traffic (BOAT)

These byways are normally marked "byways" and are open to motorists, bicyclists, horse riders, motorcyclists, and pedestrians. As with public tarmac road networks, motorists must ensure that they are legally authorised to use BOATs (i.e. registered, taxed, insured and MoT'd).

Restricted Byways

Restricted Byways are created under the Natural Environment and Rural Communities Act 2006. They are open to the traffic mentioned above in BOATs, but exclude motor vehicles and motorcycles.

Don'ts

Footpaths

Footpaths on edge of a field must not be ploughed. Footpaths can be ploughed if they cross fields. However, a minimum width of 1 metre must be made available within 14 days of ploughing. Landowners must also ensure that they restore footpaths after ploughing.

If you are walking a dog, you must make sure that it does not stray off legal lines of a public footpath as this may constitute an act of trespass. Also ensure that you clean up your dog mess, if your dog fouls up on a footpath.

Bridleways

Bridleways on the edge of a field must also not be ploughed except they cross over fields. Like footpaths, landowners must also give a minimum width of 2 metres within 14 days of commencing ploughing. Landowners must also ensure that they restore bridleways after ploughing. Motor cars, mini motors and motorcyclists are not allowed on bridleways.

Byways Open to All Traffic (BOAT)

Under-age or banned drivers, quad bikes, mini-motos, non-road-legal scramblers & quad bikes are not allowed on BOATs. BOATs must not be ploughed or obstructed to prevent public use.

Restricted Byways

Motorcyclists, motorists in motorcars, mini motors, quad bikes, non-road legal scramblers are not allowed on restricted by ways. Restricted byways must also not be ploughed or obstructed to prevent public use.

Other don'ts for landowners

- You cannot grow crops on a public right of way; however grass can be grown for hay and silage.
- Dairy bulls over 10 months are not allowed to cross over a field with a right of way.
- You cannot put up stiles or gates without the permission of your local authority.
- You cannot put up misleading signs to prevent people from using a public right of way.
- You are not allowed to harass, intimidate (e.g. placing a fierce dog on public right of way) or prevent members of the public from using a public right of way.
- It is an offence under the Highways Act 1980 to put up barbed wires, electric fences or exposed barb wire that prevents or obstructs a public right of way.

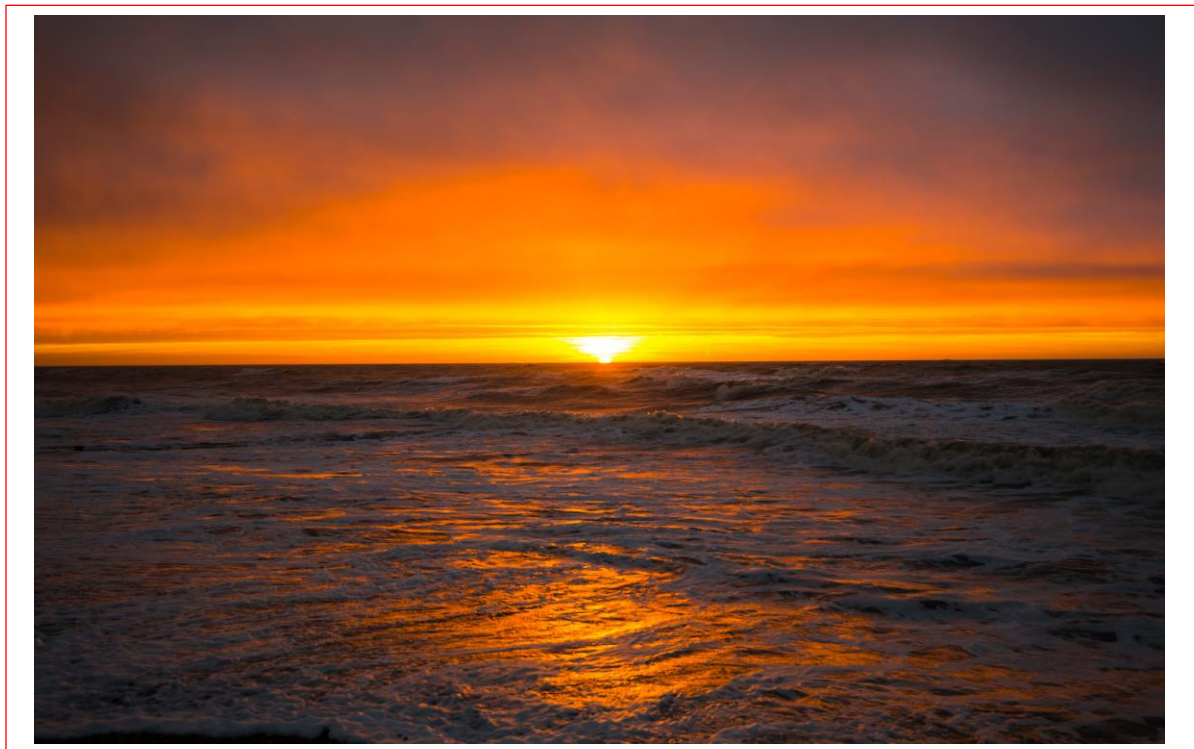
Other don'ts for users of public rights of way.

- You are not allowed to disturb or harm any wildlife found on a public right of way.
- You should not drop or leave litter on a public right of way.
- You should not trespass on neighbouring lands to public rights of way. At all times keep to the legal limits!

To find out more about how to behave in the countryside, please refer to the Countryside Code for England and Wales.

PART FIVE

LINKS TO ORGANISATIONS



LINKS

Finds Officer Advice

<https://finds.org.uk/documents/advice.pdf>

Finders of potential Treasure in **England** and **Wales** should contact their regional [Finds Liaison Officers](#) for help in reporting Treasure and for further advice. By law, finds of potential Treasure must be reported to the Coroner in whose district they were found within 14 days of discovery. Queries about Treasure finds from England should be directed to treasure@britishmuseum.org and

Queries about finds from Wales should be directed to treasure@museumwales.ac.uk.

For more information on the operation of the Treasure Act and antiquities law in **Northern Ireland**, see <https://www.communities-ni.gov.uk/articles/treasure-act-information-finders-treasure-northern-ireland>

or write to:

Department for Communities
Causeway Exchange
1-7 Bedford Street
Belfast
County Antrim
BT2 7EG
Tel: 028 9082 9000

The Treasure Act 1996 does not apply in **Scotland** or the **Isle of Man**, and the Portable Antiquities Scheme does not operate there.

The laws regarding Portable Antiquities in Scotland are very different than those in England and Wales. Whereas in England and Wales the recording of all non-Treasure finds is voluntary, all archaeological objects found in Scotland should be reported under Treasure Trove.

For more information on the law in Scotland see <http://www.treasuretrovescotland.co.uk> or write to:

Treasure Trove Unit
National Museums of Scotland
Chambers Street
Edinburgh
EH1 1JF
Tel: 0131 247 4355
Email: info@treasuretrovescotland.co.uk

The laws regarding Portable Antiquities in the Isle of Man are also very different. All archaeological objects found in the Isle of Man should be reported to the national heritage agency and no archaeological object may be exported from the Isle of Man without a licence.

For more information on the law in the Isle of Man please contact:

Manx National Heritage
Manx Museum
Kingswood Grove
Douglas
Isle of Man
Tel: 01624 648000

Email: enquiries@mnh.gov.im

Website: <http://www.manxnationalheritage.im/>

Wreck

Property found in the sea or the seashore could be from a ship and is known technically as 'wreck'. Wreck is not treasure. All 'wreck' must be reported to the Receiver of Wreck. This can be done by downloading a form from the Receiver's website. The address of the Receiver of Wreck is:

The Maritime and Coastguard Agency
Bay 1/05,
Spring Place
105 Commercial Road
Southampton
Hampshire
S015 1EG

Tel: 02380 329474

Website: <http://www.mcga.gov.uk>

About this Guide

This is a Sea Road Arts Guide compiled to support the work of Mr Daryl Holter of Sussex Heritage Community.

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