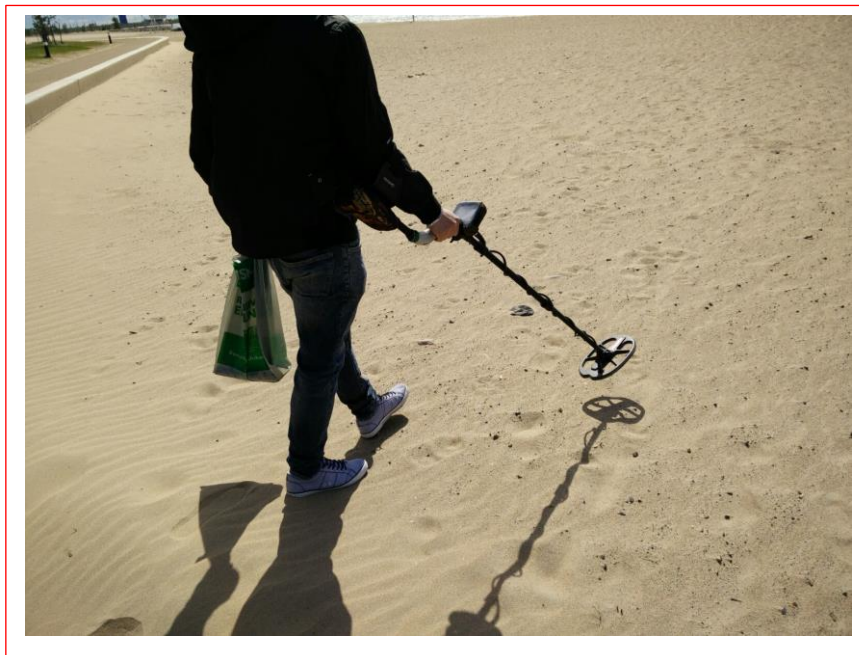


A Sea Road Arts Publication

for

Sussex Heritage Community

Illicit Metal Detecting



A Heritage Protection Guide

Illicit Metal Detecting

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.

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Introduction

Illicit Metal Detecting can take place on any land, from farmland, archaeological, historical sites, parks and gardens, the incentive to find and take metal objects, coins, and artifacts for trophy pieces of financial gain

All these activities are done on land owned by an individual or an organisation or public authority often with no permission

Many finds of coins, jewellery, ancient artefacts 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.

This Guide hopes to raise awareness of this subject to all interested parties and highlight the concerns, and how they might be dealt with.

Daryl Holter Sussex Heritage Community



HOW THE LAW CONTROLS METAL DETECTING

There is an official code of practice on metal detecting:

Anyone who finds potential Treasure is bound by a legal obligation to report it. The law is called the **Treasure Act 1966**. You 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.

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 1996.

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).

Rules on 'Same Find'

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 Antiquities Scheme

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.



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 illicit metal detecting:

Removal of any object from land without the landowner's permission may amount to an offence of theft. Travelling to a potential site with metal detecting equipment may amount to an offence of going equipped to steal. It is also an offence to damage a protected archaeological site, known as a scheduled Ancient Monument without a licence from Historic England as is failing to report objects that are potential treasure.

Whilst using a metal detector 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. There could also be local authority bylaws in place as well, make sure you have permission to be on land and to detect. Where illicit detectorists operate on farmland, they can cause damage to crops, wildlife and the environment, gates can be left open or damaged allowing livestock to escape.

Some enthusiasts take 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. 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.

With regards finds you may well bring up 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, explosive rounds, 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 ordinance 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 metal detecting 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.

The majority of hobbyists care deeply about shared heritage and record their finds with the Portable Antiquities Scheme. Unfortunately, a small number of detectorists exploit their hobby in order to obtain archaeologically important artefacts and attempt to profit from their illegal activity.

The United Kingdom is very fortunate to have a great community of ethical detectorists, together with positive and dynamic working relationships between detectorists, archaeologists and the local police officers and staff we are as one team able to prevent illicit detecting, raise awareness and encourage reporting, this will hopefully result in bringing offenders to justice. and reduce illicit metal detecting. 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.

Thank you

Daryl Holter



Problems caused by Illicit Metal Detecting

Below are some examples of illicit metal detecting and the problems they cause to police, local authorities, and safety organisations :

<https://www.bbc.co.uk/news/uk-england-hereford-worcester-50516329>

<https://www.bbc.co.uk/news/uk-51669348>

EOD – Explosive and Bomb Disposal

<https://www.bbc.co.uk/news/uk-england-lancashire-35900544>

<https://www.getsurrey.co.uk/news/surrey-news/controlled-explosion-carried-out-after-14090166>

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.



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.
2. 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.
3. 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.



How do Illicit Metal Detectorists operate?

Illicit Metal Detectorists will go to land with a metal detector and digging equipment without permission from the farmer, occupier, or landowner. Consequently all finds removed by the detectorist while trespassing may amount to an offence of theft. The artefacts that they recover are often kept as trophy pieces or sold for personal gain. Because the artifacts are stolen, the detectorist is unlikely to report their finds, valuable historical data is lost for ever. Illicit metal detecting can also damage the reputation of responsible metal detecting.

What should you do if you find Illicit Metal Detectorists on your land?

If you find Illicit Metal Detectorists on your land call the Police on 999, as this is a crime in progress.

Do not approach them as this may scare them off or may cause them to become aggressive towards you.

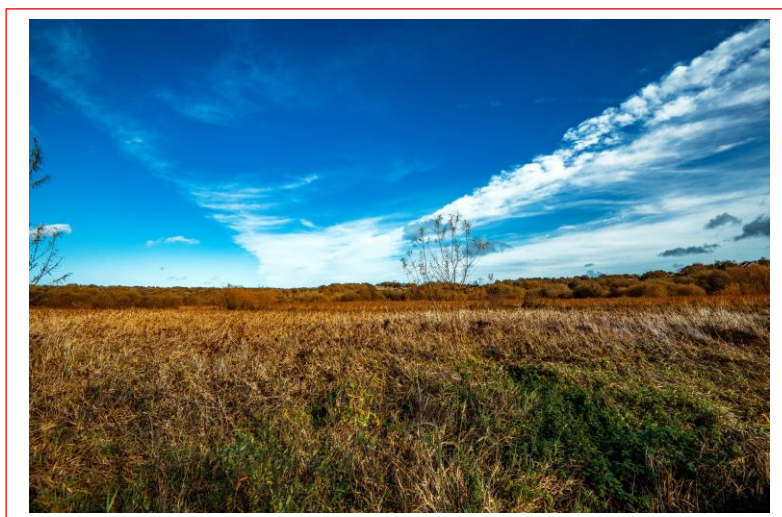
Gather information by taking registration numbers of vehicles and descriptions of those involved and pass these details to the Police immediately.

What if I find evidence of Illicit Metal Detecting?

Evidence of recent Illicit Metal Detecting is usually discovered during day light hours and is often in the form of uniform, square or round cut holes dug in the ground with no obvious explanation, sometimes with the turf replaced.

Ensure you report Illicit Metal Detecting to your local Police on 999 or 101. If evidence is left behind, tell Police and ask how you can preserve the evidence.

Alternatively you can contact the independent charity Crimestoppers, anonymously, on 0800 555 111, or online at www.crimestoppers-uk.org



The National Council for Metal Detecting

The NCMD has a Code of Practice

Code of Conduct

1. Do not trespass. Obtain permission before venturing on to any land.
2. Respect the Country Code, leave gates and property as you find them and do not damage crops, frighten animals, or disturb nesting birds.
3. Wherever the site, do not leave a mess or an unsafe surface for those who may follow. It is perfectly simple to extract a coin or other small object buried a few inches below the ground without digging a great hole. Use a suitable digging implement to cut a neat flap (do not remove the plug of earth entirely from the ground), extract the object, reinstate the grass, sand or soil carefully, and even you will have difficulty in locating the find spot again.
4. If you discover any live ammunition or any lethal object such as an unexploded bomb or mine, do not disturb it. Mark the site carefully and report the find to the local police and landowner.
5. Help keep Britain tidy. Safely dispose of refuse you come across.
6. Report all unusual historical finds to the landowner and acquaint yourself with current NCMD policy relating to the Voluntary Reporting of Portable Antiquities in England and Wales and the mandatory reporting requirements in Scotland. [Learn more here »](#)
7. Remember it is illegal for anyone to use a metal detector on a designated area (e.g. Scheduled Monuments (SM), Sites of Special Scientific Interest (SSSI), or Ministry of Defence property) without permission from the appropriate authority. It is also a condition of most agri-environment agreements that metal detecting access is subject to certain rules and regulations including mandatory finds reporting of all finds to the Portable Antiquities Scheme.
8. Acquaint yourself with the terms and definitions used in the following documents:
 - 'Treasure' contained in the Treasure Act 1996 and its associated Code of Practice, making sure you understand your responsibilities.
 - Advice for Finders of Archaeological Objects including Treasure 2006.
 - The voluntary Code of Practice for Responsible Metal Detecting 2017 Revision. Note: the NCMD is not an endorsee to this version of the Code. Details of why the NCMD did not endorse the Code can be found in issue 25 of Digging Deep.
 - Advice for finders in Scotland: [Learn more here »](#)
9. Remember that when you are out with your metal detector you are an ambassador for our hobby. Do nothing that might give it a bad name.
10. Never miss an opportunity to explain your hobby to anyone who asks about it.

**You can see their internet site here: <https://www.ncmd.co.uk/>
Alliance to Reduce Heritage Crime (ARCH)**

The Alliance to Reduce Crime against Heritage (ARCH) is a new voluntary national network which will take forward initiatives to tackle heritage crime and galvanise local action as part of the Heritage Crime Initiative.

Launched in 2011, the Alliance to Reduce Crime against Heritage (ARCH), is a voluntary national network which takes forward initiatives to tackle heritage crime and galvanise local action as part of the Heritage Crime Programme.

The overriding objective of the group is to reduce the amount of crime that causes damage to or interferes with the enjoyment of heritage assets in England.

Members of ARCH have a shared interest in preventing and seeing effective enforcement of heritage crime. Through conferences and training events, the group is a means of discussing priorities, sharing information about heritage crime, carrying out training, highlighting best practice and making local contacts.

Their website is here: <https://historicengland.org.uk/advice/caring-for-heritage/heritage-crime/prevent/get-involved/>

Crown Land Information for metal detectorists

<https://www.thecrownstate.co.uk/en-gb/what-we-do/on-the-seabed/coastal/metal-detecting-and-drone-flying/>



Organisations controlling access to land

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>

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.

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.

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. 51



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. 53



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

National Parks and Access to the Countryside Act 1949

Countryside and Rights of Way Act 2000

Wildlife and Countryside Act 1981

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.



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. 59

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!

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 64

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 Guide has been produced by Sea Road Arts to support the work of Mr Daryl Holter of Sussex Heritage Community.

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All public information by government and statutory organisations is acknowledged with thanks. Extracts from Wikipedia are acknowledged.

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- Guide for Museums and Art Galleries
- Guide for Archaeologists
- Guide to Magnet Fishing
- Guide to Illicit Metal Detecting
- Guide to Protection of Open Sites
- Guide to Trespass

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