



# Metal Detecting Policy

## Policy 55

Adoption Date:  
Review Date: When required

Issue Number	Date Agreed	Details of amendments
1	13.10.2022	Adopted
2		

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## **1.0 Introduction**

All references to 'the Council' or 'Cuckfield Parish Council' in this document will include land owned by charities for which Cuckfield Parish Council is sole corporate trustee.

From time to time, the Council receives requests for permission from individuals or organisations wishing to carry out metal detecting on land owned, leased or managed by the Council.

This document sets out the policy of the Council regarding such requests and is effective from the date that it's adopted

It supersedes any previous arrangements that may have existed and any such arrangements made between the Council, its tenants and/or other persons or organisations will cease to have effect from the date of adoption of this policy.

Local authorities have the power to ban metal detecting and other activities through the use of byelaws. In the absence of any such byelaws or other specific restrictions on metal detecting on land owned, leased or managed by the Council, the use of metal detectors on such land is regulated by this policy.

## **2.0 Policy**

- 2.1 In general, metal detecting is not permitted on any land owned, leased (especially Cemetery and Allotment land) or managed by the Council, – including any land to which the public has a right of access.
- 2.2 Any proposal to carry out metal detecting on land owned, leased or managed by the Council will only be considered where detecting will form part of an appropriate programme of research.
- 2.3 Persons or organisations wishing to carry out such research will need to apply in writing to the Council for permission to use a metal detector as well as to undertake associated survey work on land owned, leased or managed by the council.
- 2.4 Permission for such activity may not be given by an individual councillor nor by any tenant of land owned by the Council.
- 2.5 Permission will only be given on the understanding that the primary aim of allowing surveying/detecting is the gathering of information on the archaeology of the land in question.
- 2.6 Any individual carrying out metal detecting on land owned, leased or managed by the Council shall hold a current National Council for Metal Detecting [NCMD] membership card showing details of their £10,000,000 Public Liability Insurance cover.
- 2.7 Any organisation carrying out metal detecting on land owned, leased or managed by the Council shall hold Public Liability Insurance to the same level.
- 2.8 Any individual or organisation carrying out metal detecting on land owned, leased or managed by the Council shall always observe and adhere to the Code of Conduct as set out by the NCMD (see appendix 1) which is a condition of membership and includes reference to the voluntary Code of Practice for Responsible Metal Detecting.

- 2.9 Any individual or organisation carrying out metal detecting on land owned, leased or managed by the Council shall strictly observe and adhere to any guidelines or special conditions and area boundaries, which may be set out by the Council and/or its tenant(s) from time to time and to any terms and conditions with respect to metal detecting access specified in agri-environment agreements which may cover all or part of the said land.
- 2.10 Any individual or organisation carrying out metal detecting on land owned, leased or managed by the Council shall record finds on the said land with third parties including:
- the Portable Antiquities Scheme (PAS),
  - Historic Environment Records (HER),
  - Any museum service only after gaining the appropriate permission of the Council to do so and then to an accuracy of find spots that all parties are comfortable with.
- 2.11 All parties must abide by the terms and conditions of any agri-environment schemes that specify mandatory reporting of all finds made on land covered by such agreements with the PAS.
- 2.12 All treasure as defined by the Treasure Act 1996, together with any artefacts including, amongst others, metal objects (including coins, weapons and jewellery etc.), worked flints, pottery, building materials, slags and worked bone found on land owned, leased or managed by the Council shall remain the property of the Council or the Council's landlord (depending on the wording of the tenancy agreement) respectively. The rules and procedures as set out in the Treasure Act 1996 will need to be followed and complied with (see <https://finds.org.uk/treasure> for further information).
- 2.13 Tenants of land owned by the Council will be provided with a link to this Policy and will be made aware that it is their duty to ensure that its details are complied with.

## Appendix 1

### National Council for Metal Detecting 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
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:
  - (1) 'Treasure' contained in the Treasure Act 1996 and its associated Code of Practice, making sure you understand your responsibilities.
  - (2) Advice for Finders of Archaeological Objects including Treasure 2006.
  - (3) 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.
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.

**Appendix 2**

**Metal Detecting Agreement**

This agreement is made between **Cuckfield Parish Council** (hereinafter called the Council), and  
..... (hereinafter called the Licensee) of

**Address:** .....

**Telephone:** ..... **Email:** .....

<b>Address of land where metal detecting to be undertaken</b>	
<b>Time period detecting to be undertaken</b>	
<b>National Metal Detecting Membership Number/Ref</b>	

I, \_\_\_\_\_, being the person named above agree to abide by the rules and regulations of Cuckfield Parish Council in relation to metal detecting on their land.

Signed.....

**on behalf of Cuckfield Parish Council**

Dated .....

Signed.....

**Licensee**

Dated .....

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I.....being the owner/occupier of land premises

known as.....situated at.....

agree that in consideration of the payment to the landowner/occupier of 50% of the value or rewards arising from the recovery of any property or objects found by the undersigned [herein after called the licensee(s)] over the value of £10, the licensee(s) may enter the said land or part thereof to search for items of buried or other material, whether antique or modern.

This agreement shall continue in force from (date) .....until (date).....

Provided that:

1. The licensee(s) shall hold a current NCMD membership card showing, details of their £10,000,000 Public Liability Insurance cover.
2. The licensee(s) shall always observe and adhere to the Code of Conduct as set out by the NCMD which is a condition of membership and includes reference to the voluntary Code of Practise for Responsible Metal Detecting (See overleaf).
3. The licensee(s) shall strictly observe and adhere to any guidelines or special conditions and area boundaries, which may be set out by the owner / occupier from time to time and to any terms and conditions with respect to metal detecting access specified in agri - environment agreements which may cover all or part of the said land.
4. The licensee(s) shall record finds made on the said land with third parties including The Portable Antiquities Scheme ( PAS ), Historic Environment Records (HER ) or any museum service only after gaining the appropriate permission of the landowner to do so and then only to an accuracy of findspots that all parties are comfortable with. All parties must abide by the terms and conditions of any agri-environment schemes that specify mandatory reporting of all finds made on land covered by such agreements with the PAS. (Agri-Environmental Schemes are not applicable to Scotland and Wales)

Special conditions and boundaries,

.....  
.....

Signed ..... Owner/Occupier Date.....

Signed ..... Licensee Date .....