



Metal Detecting Policy

Adopted by Marden Parish Council on: 13th August 2024

Reviewed/Amended:

Review Date: March 2025

Office Opening Times:

Mondays, Tuesdays and Fridays 10am – 12 noon

www.mardenkent-pc.gov.uk

Email: clerk@mardenkent-pc.gov.uk

Parish Council Amenities – Metal Detecting Policy

AMENITIES

METAL DETECTING POLICY

GENERAL STATEMENT

From time to time, Marden Parish Council (MPC) 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 MPC regarding such requests and is effective from the date that it is adopted.

It supersedes any previous arrangements that may have existed, and any such arrangements made between MPC, 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 MPC, the use of metal detectors on such land is regulated by this policy.

POLICY

In general, metal detecting is not permitted on any land owned, leased (especially Cemetery and Allotment land) or managed by MPC, including any land to which the public has a right of access.

Any proposal to carry out metal detecting on land owned, leased or managed by MPC will only be considered where detecting will form part of an appropriate programme of research.

Persons or organisations wishing to carry out such research will need to apply in writing to MPC (clerk@mardenkent-pc.gov.uk) for permission to use a metal detector as well as to undertake associated survey work on land owned, leased or managed by MPC.

Permission for such activity may not be given by an individual councillor nor by any tenant of land owned by MPC.

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.

All requests must detail:

- the scope and purpose of the proposed metal detecting activity;
- the exact location of the proposed activity;
- the date and duration of the activity; and
- a guarantee of full re-instatement to the satisfaction of MPC of any area that has been subjected to any form of excavation by the activity, along with a guarantee to cover any expenses incurred by MPC if the re-instatement fails to meet the standards required.

Without specific permission from MPC, no excavation shall take place which is deeper than 15cms.

Any individual carrying out metal detecting on land owned, leased or managed by MPC shall hold a current National Council for Metal Detecting (NCMD) membership card showing details of their £10,000,000 Public Liability Insurance cover.

Any organisation carrying out metal detecting on land owned, leased or managed by MPC shall hold Public Liability Insurance to the same level.

Any individual or organisation carrying out metal detecting on land owned, leased or managed by MPC 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.

Any individual or organisation carrying out metal detecting on land owned, leased or managed by MPC shall strictly observe and adhere to any guidelines or special conditions and area boundaries, which may be set out by MPC and/or its tenant(s) from time to time and to any terms and conditions with respect to metal detecting access specified in any agreements which may cover all or part of the said land.

Any individual or organisation carrying out metal detecting on land owned, leased or managed by MPC shall record finds on the said land with third parties including:

1. the Portable Antiquities Scheme [PAS];
2. Historic Environment Records [HER];
3. Any museum service only after gaining the appropriate permission of MPC to do so and then to an accuracy of dig locations 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. All treasure as defined by the Treasure Act 1996, together with any artefacts including, amongst others:

1. 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 MPC shall remain the property of MPC or MPC'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); and
2. Tenants of land owned by MPC 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.

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Appendix 1**National Council for Metal Detecting Code of Conduct**

Do not trespass: Obtain permission before venturing on to any land.

Respect the Country Code, leave gates and property as you find them and do not damage crops, frighten animals or disturb nesting birds.

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.

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.

Help keep Britain tidy. Safely dispose of refuse you come across.

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.

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.

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.
- 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.
- Never miss an opportunity to explain your hobby to anyone who asks about it