

Chapter 6: Events after STOP

6.1 Introduction

This chapter discusses some of the key events and legislative developments in the years following STOP, including the development of the *Treasure Act* 1996 and PAS, both of which finally came into operation in 1997. It includes a specific case study, the looting of Wanborough, which illustrated so clearly not only the scale of damage possible through irresponsible treasure hunting, but also the need to change the law in relation to portable antiquities in England and Wales.

As discussed in Chapter 5, STOP had essentially come to a halt by 1981, but the repercussions were felt for years later. In Lincoln, for example, some of the leaflets from the STOP Campaign were still on display in the city's museum as late as 1998, much to the dismay of local metal-detector users (Critchley, *pers. comm.*, 13th January 2007). Certainly too, the campaign had given ammunition to metal detecting proponents to decry the efforts and ideas of archaeologists. Tony Gregory (1983b), who was active in promoting cooperation between archaeologists and metal-detector users, suggested that relationships were even beginning to improve by 1981, but that this was then hampered dramatically by the arrival of 'Boudicca', the anonymous metal detecting writer. 'Boudicca' aimed to "*destroy any good relationships that exist between archaeology and metal detecting*" with "*very clever journalism*" (Gregory 1983b: 45). Gregory attributed these attacks to a reaction to STOP, which he re-emphasised was against irresponsible treasure hunting rather than *all* metal detecting (Gregory 1983b: 45). Even though STOP focussed on this irresponsible element, its opponents, perhaps conveniently, or perhaps because this distinction was not sufficiently emphasised by the campaign organisers, underplayed this in their counter-attacks.

The timing of the looting of Wanborough was critical, only two years after STOP had effectively ended. This, in addition to the fact that there were actual arrests and court cases (where many allegations of nighthawking rely on anecdotal data only), meant that Wanborough's looting and its aftermath ultimately contributed to a major change in the law concerning the treatment of archaeological finds in England and Wales.

The *Treasure Act* 1996 subsequently replaced treasure trove, at that time still the main law in England and Wales relating to portable antiquities. However, this change only came about after years of campaigning, a pursuit arguably assisted by the severity of the damage at Wanborough, but also by the determination of those archaeologists involved, notably including amateurs, to use the incident to their advantage as a way of illustrating the need for change.

The common law of treasure trove was described and defined in Chapter 1. Since its 1944 inception, the CBA had seen the reform of treasure trove as a fundamental aim (Morris, *pers. comm.*, 26th September 2006; Addyman 1995: 166). Chapters 4 and 5 discussed some of these attempts, such as the *Abinger Bill*. In this chapter the *Treasure Bill*, (sometimes called the *Perth Bill* or the *Surrey Bill* after Lord Perth or the Surrey Archaeological Society respectively), which eventually passed through both Houses of Parliament and became the *Treasure Act* 1996, along with the complementary PAS, is analysed taking into account the political and historical contexts that contributed to its development.

Other factors than Wanborough were of course significant in leading to the change in legislation and policy. The publication of the CBA's report, *Metal Detecting and Archaeology in England and Wales* (Dobinson and Denison 1995), commissioned by English Heritage, was cited in Parliamentary debates to add weight to the argument to pass the *Treasure Bill* (e.g. HC Deb, 8th March 1996, col 583). This significant report included a list of recommendations, which PAS has been regarded as partially fulfilling (Addyman and Brodie 2002: 181). Other developments, such as the formation of the Portable Antiquities Working Group (PAWG) are also taken into account. Therefore, it is not the intention of this chapter to over-simplify the course of events that led to the change in law concerning Treasure by focussing on Wanborough alone. However, this chapter does discuss why, when there are other examples of nighthawking available, Wanborough has gained such notoriety with both archaeologists and metal-detector users, and what its significance was to the development of the *Treasure Act* 1996.

6.2 “The Battle of Wanborough Temple”

Two years after the 1981 failure of the *Abinger Bill*, amidst a feeling by some that deliberate sabotage may have been responsible for its failure (e.g. Cleere 1984; Morris, *pers. comm.*, 26th September 2006), a dramatic case of nighthawking occurred in Surrey. Wanborough is a small, affluent village near to Guildford, famed for its 14th Century Great Barn (Figure 6.1), and recommended as a “*delightful situation*” for prospective homebuyers (*The Good Move Guide* 2004). Yet, in the past few decades, its name has become inextricably linked in both British archaeology and British metal detecting with an infamous looting incident, when nighthawks raided the Romano-British temple site on the edge of the village. It is connected too with the almost equally infamous subsequent series of trials of metal-detector users. Figure 6.2 shows the location of the looted site on the outskirts of Wanborough.



Figure 6.1 The Great Barn at Wanborough, image courtesy of Guildford Borough Council, 2008

Irretrievable information about the site and its place within the context of its assemblages and the wider landscape was lost. This is the result of all cases of looting, and many authors have already commented on this (e.g. Brodie, Doole and Watson 2000; Meyer 1973). While much of the more high profile international antiquities trade, described in Chapter 3, deals with prices much higher than the market value of the objects most commonly found in the UK, it is not unknown for items of huge financial value to be discovered in this country, as coin hoards such as Wanborough have demonstrated. The issue of market value is, although remarkably high for a UK scenario, only one of the features that made Wanborough significant. The looting, and the subsequent trials, are analysed in view of their significance for the attempts by archaeologists to control treasure hunting with metal detectors in England and Wales. The looting of Wanborough is also set within the context

of rising tensions over a number of decades, which were introduced and analysed in the previous chapter.

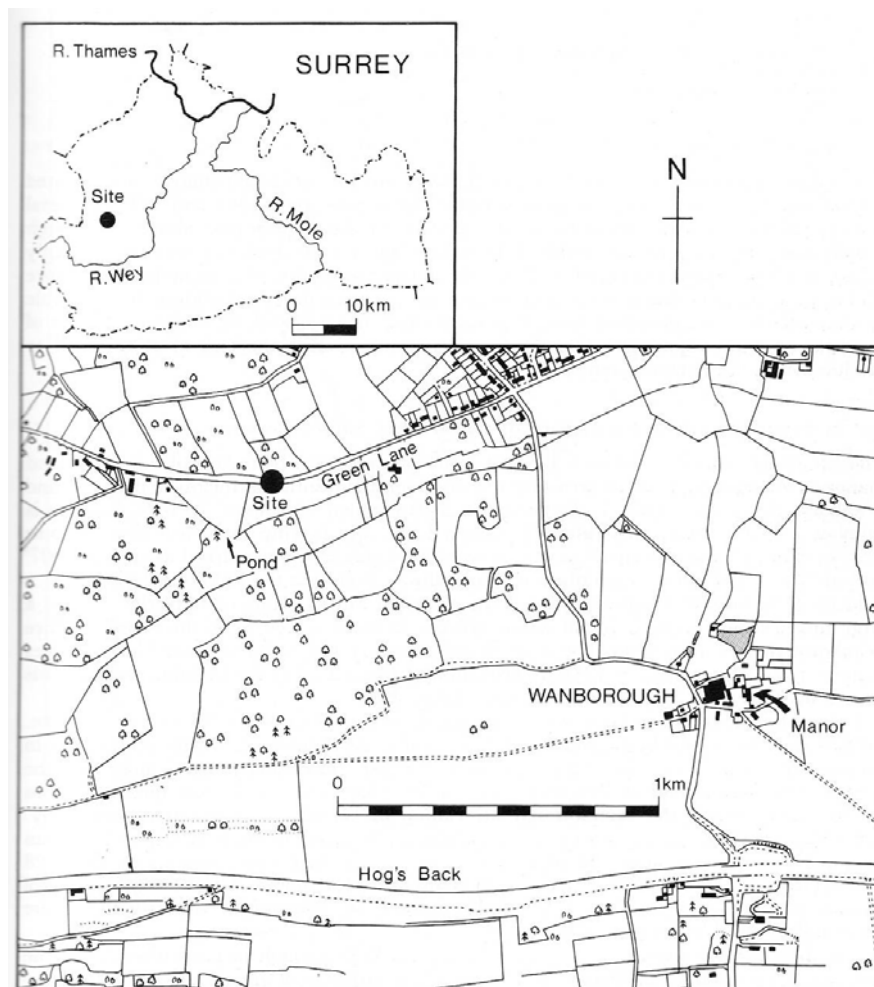


Figure 6.2 Map of the area surrounding the site, which straddles Green Lane north west of Wanborough. Image courtesy of Audrey Graham, scanned from *Surrey Archaeological Collections 82*

Wanborough has been written about by numerous authors, and was even a feature of the display panels of the British Museum's touring exhibition *Buried Treasure: Finding our Past* (Price 2004: 424). Other authors have commented about the looting, and it is certainly one of the most-cited examples from England or Wales. For example, Brodie, Doole and Watson (2000: 22), in a report concerned with the effects of the illicit trade in antiquities on archaeology, comment on the dispersal of the coins, estimated to number around 5,000, on the international market, pointing out the significant loss of information about the site. Sheldon (1995: 177-179), in a paper on examples of looting in Britain, described the scale of Wanborough's looting in the mid-1980s, the consequences in terms of what archaeological information was lost, and the fact that the site has been looted time and time again, even after a 1985 rescue dig by Surrey Archaeological Society. The repeated looting

supports Addyman's (2001: 142) argument that Wanborough seems to have achieved "*almost mythic status with illicit treasure seekers*".

Hobbs (2003: 18) described Wanborough as a "*high profile*" site, the looting of which by nighthawks contributed to the growing calls for metal detecting to be banned. He also commented that, "*the only positive aspect of this sorry tale, and small consolation, is the role Wanborough played in eventual changes to the Treasure law in England and Wales*" (Hobbs 2003: 137). Faulkner (2003: 174-176) also provides a brief description of the incidents at Wanborough, and comments on their significance as a springboard for pressure to mount for change to the treasure trove common law, culminating in the enactment of the *Treasure Act* 1996 and the development of PAS.

The "*battle of Wanborough Temple*" (*sic.*) has been credited with changing the "*ancient treasure trove law*", and cited as a turning point in the relationships between archaeologists and metal-detector users (Gilchrist 2003). Surrey Archaeological Society claimed that the *Treasure Act* 1996 "*came about as a direct result of the Society's experiences*" with Wanborough (Graham 2004: 307). Viscountess Hanworth (1995), as the then President of Surrey Archaeological Society, had a direct involvement with the incident, and commented on the Society's efforts to develop the Private Member's Bill (later the *Treasure Act*), in light of the inadequacy of treasure trove that was demonstrated in the court cases stemming from the looting. Hobbs (2003: 19) also identified the failure of prosecutions for Wanborough as the starting point for developments of a new Bill to reform treasure trove law, as well as referring to Wanborough as an example in the deterioration of relationships between metal-detector users and archaeologists (Hobbs 1999: 7). Halfin (1995: 21) described Wanborough as drawing attention to the need for the reform of treasure trove, particularly for provision for a requirement that finds are reported to the land's occupier within fourteen days of discovery. He proposed this requirement and others to avoid similar scenes in the future, describing the site at Wanborough as becoming a "*battlefield*" (Halfin 1995: 21).

When the looting occurred, it also showed the need for cooperation between archaeologists and responsible metal-detector users, who were concerned not only with the damage to the physical remains but also to the reputation of their hobby. Indeed, "*five known and trustworthy*" metal-detector users even assisted with a survey of Green Lane, the council-

owned pathway intersecting the site (Graham and Graham 1986). As well as challenging metal detection's reputation, the site also arguably created a catalyst for the abolition of treasure trove, as suggested above by so many authors. Nevertheless, is it possible that just one incident in the 1980s could have had such a far-reaching effect?

Apart from an initial discovery of Roman pottery and roof tile in 1969 and a small excavation in 1979 (Graham 2004: 7), not much attention had been given to the Romano-British temple site at Wanborough until the 1980s. In 1983 metal-detector users discovered a number of coins at the site. Initially the discoverers acted responsibly by reporting their finds to a local museum. During a coroner's inquest – the procedure used for investigating possible treasure trove cases – the location of this site was given out publicly in open court (Hanworth 1995: 173). This public release of information led to large scale looting of the site. Before an emergency dig by Surrey Archaeological Society could take place, looting had occurred on such a scale that some reported that, at times, up to 30 or 40 individuals were digging illegally on the site overnight (Sheldon 1995: 178). How much material was removed can never be known, but some estimated that ancient coins to the value of around £2 million was lost, possibly appearing on American and European antiquity markets (Hanworth 1995: 173), and the site's integrity was severely disturbed (Fig 6.3).



Figure 6.3 John Gower, Joint Honorary Secretary of the Surrey Archaeological Society, examining damage by treasure hunters at Wanborough in 1985. Photograph: Marian Gower 1985

Nighthawks were responsible for this loss. Even during rescue work carried out by Surrey Archaeological Society in 1986, involving metal detecting surveys mentioned above, fresh holes were discovered between the two survey days, indicating that unauthorised metal detecting was continuing (Graham and Graham 1986). In the same year, astonishingly, some of the looted coins were even sent to Surrey Archaeological Society, accompanied by an anonymous letter from a “*well-wisher*” (Anon. c to Bird, 15th October 1986). The anonymity of the sender indicates their anxiety not to be recognised, not only to avoid prosecution, but also not to be recognised by the illegal detector users from whom they (the sender) had received the coins (Anon. c to Bird, 15th October 1986).

Criminal trials at Kingston Crown Court in Surrey followed in June, July and August 1986 for some of the treasure hunters arrested at the site (Wakeford 1986a; 1986b; 1986c, and 1986d). Notes on five of the six initial trials were found in the CBA archives and Lady Hanworth’s private papers, which had been made by Joan Wakeford on behalf of Surrey Archaeological Society. The first trial, involving three servicemen, ended when a *nolle prosequi*¹¹ was entered, with indications that they had “*turned Queen’s evidence*” and assisted the police in tracing dealers who were “*trading in the W coins*” (Wakeford 1986a: 1). According to the Wakeford notes, another trial collapsed, and one defendant was found not guilty. Two more men were found guilty in subsequent trials¹². Of those found guilty, one was fined £1000, one was fined £400, and one was fined £250 along with confiscation of his metal detector. Imprisonment was threatened in all cases if they failed to pay their fines in the time required (Wakeford 1986a; 1986b; 1986c, and 1986d).

6.3 Interpretation of the site in court

Although it was widely accepted that the looted site at Wanborough was a temple, it was the interpretation of the context of the objects found that was significant in court when the trials of the alleged nighthawks took place. These objects included sceptres and chain headdresses, some of which are now displayed in Guildford Museum (Fig 6.4), as well as

¹¹ In a lawsuit, a *nolle prosequi* is an entry made on the record, by which the prosecutor or plaintiff declares that he will proceed no further.’ (www.legal-definitions.com, accessed 17 March 2009).

¹² One of these three was found guilty of the charge of “*going equipped for theft (with a metal detector etc)*” but the jury were directed to find him not guilty of the charge of “*handling stolen goods, viz a Celtic gold coin*” (Wakeford 1986c, 1).

substantial quantities of coins (Sheldon 1995: 178). The most obvious interpretation of these objects, given the religious nature of the site, was that they were votive offerings. This would mean the people who deposited the objects had no intention to recover them, and thus the objects could not be classified as treasure trove. However, if the prosecution could demonstrate convincingly that at least the gold and silver was not votive, instead deliberately hidden and/or intended for recovery later, the Crown would have been identified as the owner. The objects would have gone to the British Museum or another museum, and prosecutions for theft could take place because the material had been stolen from the Crown (Collis, *pers. comm.*, 17th May 2004).



Figure 6.4 Artefacts on display at the Guildford Museum, including finds from Wanborough

One interpretation of the artefacts offered by the prosecution was of there being a tower-like wooden temple, possibly with the treasure stored on an upper floor, the argument being, that when the temple fell down, or was destroyed or burnt, the coins would have been scattered (Collis, *pers. comm.*, 17th May 2004, Wakeford 1986c: 3). As it could not be demonstrated in the end, whether the artefacts were deposited for recovery, lost or votive, no ownership could be demonstrated. The looted site covered land belonging both to Surrey County Council and to private landowners. Interestingly, Wakeford (1986a) noted in her records of the trials that the prosecution had decided not to bring in the issue of landowners' rights to artefacts found on their land, instead focusing on treasure trove, in

other words theft from the Crown. This was apparently to avoid “*straying into the realms of Chancery*” (Wakeford 1986a: 2). Yet, without demonstration of treasure trove, no theft from the Crown could be proven. A motivation for following the avenue of treasure trove, rather than theft from private individuals could have been that, if the defendants were found guilty, the British Museum would automatically have claimed ownership of the artefacts, on the Crown’s behalf. If the items in question had been treated as private property, then, although the *Theft Act* as well as trespassing laws could have been applied, ownership would have stayed with the landowners instead, leaving no guarantee that the owners would wish for the artefacts to go to a museum. Hence, the final destination of the artefacts was not guaranteed in a non-treasure trove scenario.

Interestingly, the defence for one of the metal-detector users on trial called a university archaeologist, John Collis, as an expert witness to testify to the likely votive nature of the objects found (Wakeford 1986d: 9-12). This move caused concern among some professionals, and they suggested naïveté in the handling of the matter (e.g. Cleere to Hanworth, 8th October 1986). Yet, in light of the attempts to demonstrate treasure trove in the trial, it also raises the question of how ethical it was of the prosecution and supporters to try to interpret objects in a particular way, when evidence suggested otherwise, aiming to obtain the desired verdict, and hence Crown ownership, in a court case. As Collis recalled later of the case and the prosecution in particular:

“...the great problem was the way in which the archaeologists were trying to deal with it. Obviously there was a major problem with the treasure trove law as it stood at that time, but equally I had enormous problems with the way in which the British Museum was dealing with the matter.”

(Collis, *pers. comm.*, 17th May 2004)

It is clear that attempts may have been made to misinterpret the available archaeological information in court, but that this was motivated by a desire to safeguard those artefacts that had been recovered and to make sure that they ended up in either the British Museum or a local museum such as the one in Guildford. However, what the Wanborough court cases demonstrated in particular was the

weakness of the laws intended for the protection of archaeological sites and artefacts. The cases that went to Appeal Court were successfully cleared of theft because of the inevitable problems with defining treasure trove. For Surrey Archaeological Society Honorary Secretary David Graham, the outlook was clear:

“...at the Appeal Court level you’ve got a criminal case anyway, and you’ve got to prove things beyond reasonable doubt. And since you can’t possibly know what the motive of someone 2,000 years ago was, and that was one of the categories for classifying treasure, then the whole thing collapsed and people got off.”

(Graham, *pers. comm.*, 29th July 2006)

The undoubted archaeological importance of what was allegedly found on site could not be protected, not only through treasure trove restrictions, but also because the site in question was not scheduled, and thus not even protected under the other most relevant section of law, AMAAA 1979, Section 42.

Ultimately, treasure trove was criticised for its inability to support the case in the criminal trial (Hanworth 1995: 174). There had been previous attempts to pass treasure trove amendments, which would have strengthened the law’s protection of archaeological material, discussed in Chapter 5. The *Abinger Bill* had been presented to the House of Lords in 1981-2, just before the incidents at Wanborough, and had sought to broaden the categories classed as treasure trove, and to remove *animus revertendi*¹³ – the “*guessing game, in which one seeks to decide the intention of the person who deposited something in antiquity*” (Hanworth 1995: 174). Even one of the successful Wanborough prosecutions brought, for theft, was overturned in 1990 by the Court of Appeal. This was based on the argument that the Crown Court Judge had “*misdirected the jury*” about whether they had to be sure that the coins in the case were treasure trove, rather than simply sure about the *possibility* of them being treasure trove, before a conviction could be made (Ayres 1992: 404). Effectively, it was shown that the “*presumption*” of treasure trove could not be applied in a criminal trial (Halfin 1995: 19). It was virtually impossible to prove beyond

¹³ Literally, “*The intention of returning*” (www.law-dictionary.org, accessed 14 January 2009).

doubt in a court setting the conditions under which archaeological material was originally deposited, and the success of the appeal further demonstrated the weakness in the treasure trove common law when trying to secure a criminal conviction (i.e. theft from the Crown).

6.4 More attempts to reform treasure trove

Almost immediately after the looting of Wanborough and its associated court cases, the Surrey Archaeological Society began looking into ways to bring about change. A request in 1986 to the Law Commission from the Surrey Archaeological Society to examine treasure trove “*with a view to reform*” (Halfin 1995: 17) indicates the feelings of the Society about both the results in court and the paucity of the existing law. The Surrey Archaeological Society was active too in 1988 in responding to a DoE consultation paper on portable antiquities, in which they recommended the bringing in of a legal requirement to report all archaeological finds to local museums or local authorities, in areas where a suitable museum did not exist (Surrey Archaeological Society 1988: 2). The feeling that new legislation was needed to make all portable antiquities reporting compulsory, as is the case in Scotland, is reflected in later comments that the eventual *Treasure Act*, while a vast improvement on treasure trove, did not go far enough in the opinion of some Surrey Archaeological Society members (Graham, *pers. comm.*, 29th July 2006).

The *Consultation Paper on Portable Antiquities* (DoE 1988), which came about at the same time as a Treasury-run review into the payment of treasure trove rewards (Bland 1998: 12), followed recommendations by Lord Skelmersdale, the then Parliamentary Under-Secretary of State for the Environment, in the year before for a review of the present arrangements (DoE 1988: 2). The consultation paper summarised key issues, and the present legislation concerning portable antiquities, in particular the AMAAA 1979, the “*ancient Royal Prerogative of Treasure Trove*”, trespass and theft laws, and criminal damage measures where relevant (DoE 1988: 3-4). Respondents were given six questions to consider, and were asked to give examples where they could to back up arguments. The question headings of the consultation paper were:

“(a) *How Widespread is the Problem?*”

- (b) *Are the Existing Laws and Controls Adequate?*
- (c) *What is the Solution?*
- (d) *Which Finds should be Reported?*
- (e) *How should Reporting Arrangements Work?*
- (f) *Inducements – Rewards or Fines?*

(DoE 1988: 5-9)

In particular, on the issue of what solution might be available, respondents were advised that the realistic options were either a voluntary scheme or additional legislation (DoE 1988), indicative that thoughts were already in the pipeline for what was eventually to become PAS. The Environment Minister, Lord Hesketh, put forward the result of the DoE review, which was not announced until late 1989. It was felt by some that his response, which focussed on the suggestion that legislation similar to Scotland's was not necessary for England and Wales, missed the point that, "*the problem is that there is no system in place to encourage them [metal-detector users and other finders of artefacts] to report what they find*" (Bland 1996: 23-24).

In 1990, the Surrey Archaeological Society approached the British Museum for support in their planned initiative to develop a Bill to reform treasure trove (Bland, *pers. comm.*, 8th November 2006). Organisations such as the Law Commission also produced reports on the need to reform treasure trove (DoE 1988: 2). The Law Commission report could not make "*recommendations for specific law reform*" until more was known about resources available and policy to be followed, but it did use Wanborough as a key example (Beldam to Hanworth, 27th September 1987). Eventually a draft Bill was developed, and the Earl of Perth was enrolled to introduce it in Parliament. When the *Treasure Bill* was read in 1994 in the House of Lords, every person that spoke in the debate was in support of it, representative of all the main political parties (Bland, *pers. comm.*, 8th November 2006). The Law Commission also urged the Government to support the Bill, although this was at first to no avail, a demonstration, for Halfin (1995: 17), of the many years of inaction by the Government in law relating to portable antiquities. The Bill did not pass in 1994, with the Government refusing its support certainly at first because it did not go far enough to remove the anomalies of treasure trove and make sufficient reforms (HL Deb, 9th March 1994, col.1510-11). After a Committee stage, further amendments were made, and

Government support was won in the end, on the proviso that “*certain further changes*” could also be made (HL Deb, 20th April 1994, col. 235). Baroness Trumpington, speaking on behalf of the DoE, pointed out that although the Bill offered “*the best possibility of significant improvements in the present law of treasure trove*”, Government support was not necessarily a guarantee of success in the House of Commons (HL Deb, 20th April 1994, col. 235).

The 1994 *Treasure Bill* was sent to the House of Commons (HL Deb, 27th April 1994, col. 751), where the time allocated for reading and debating Private Members Bills is less than that for other types of Bills (House of Commons Information Office 2008: 2). In fact, a second reading was ordered on four occasions, but each time deferred (HC Deb, 20th May 1994, col. 1101; HC Deb, 17th June 1994, col. 938; HC Deb, 8th July 1994, col. 637; HC Deb, 15th July 1994, col. 1350; HC Deb, 21st October 1994, col. 601). In the end, no further progress was made in that Parliamentary session. However, Bland has suggested that the failure of the *Treasure Bill* at that stage was not necessarily the setback that it at first seemed. In 1994, he had been seconded to the Department of National Heritage (DNH) from the British Museum to work on plans to reform treasure trove (Bland, *pers. comm.*, 8th November 2006). Discussing the failure of the 1994 *Treasure Bill*, he recalled that:

“...*there were a lot of negative comments from metal-detector users. However, there was also criticism from archaeologists about it as well, justifiable criticism about it being far too limited in scope. And I think the fact that it didn't get through Parliament gave the Government a breathing space to actually step back a little bit and re-examine the policy behind it. Really in order to sort of answer the criticism that it was far too limited in scope that the thinking of having a voluntary scheme to promote the recording of all the other finds that fell outside of the scope of the Treasure Act came along.*”

(Bland, *pers. comm.*, 8th November 2006)

Thus, it appears that, the time taken after the failure of the Bill to reassess the goals that any reform of treasure trove should aim for, led, partly at least, to the formation of PAS. It also allowed for time consult with metal detecting organisations. The Secretary of State for National Heritage had affirmed this in the event of the 1994 Bill

passing through the House of Commons in a Written Answer, when he was asked whether he would “*now consult the National Council for Metal Detecting concerning treasure trove*” (HC Deb, 14th June 1994, col. 452).

However, despite assurances that the draft Bill was not intended to impede the activities of responsible metal-detector users, with Lord Perth explaining that “*what they do is welcome, if they behave properly*” (HL Deb, 7th February 1994, col. 1445), there were concerns from representatives of the hobby. At a meeting in October 1994 between representatives from the British Museum, the DNH, HM Treasury and the NCMD, the NCMD delegates arrived with the “*unanimous view*” that they should “*make every effort to convince National Heritage that the Treasure Bill was unnecessary, unjust, unworkable and too expensive to implement*” (Fargher 1994).

Consultation with metal-detector users was an important factor in the development of the eventual *Treasure Act*, as the FID and the NCMD were both active in representing the interests of their members. David Wood, in interview, explained the FID’s involvement with regard to the eventual Act:

“...we were involved to the extent that we put forward a submission to the various departments, and gave them our input, and disagreed with, you know, quite a lot of it, but felt that... ..they did take notice of some of the points we made, and we lobbied very heavily with Members of Parliament and with the various departments to make sure our points got put across.”

(Wood, *pers. comm.*, 20th November 2006)

This indicates the continued communication of metal detecting organisations and individual users with politicians to ensure that their views were heard. The FID and the NCMD, the latter more than the former, have always been involved with discourse with archaeologists and other ‘external’ organisations. Representatives of each organisation have interpreted this situation differently. Austin (*pers. comm.*, 25th November 2006), the General Secretary of the NCMD, has stated that the FID do not “*as such, get involved with discussions, whether it be at Government level or wherever*”, and that the FID do, “*keep their finger on the pulse of what’s happening,*

but as regards getting involved and getting down to the nitty gritty of... negotiations, they don't tend to do that". David Wood of the FID (*pers. comm.*, 20th November 2006) says of the NCMD's involvement in such discussions that they "*are far more conciliatory, they're prepared to accept a lot more in the way of organisation from the outside. I'm sure they don't see it like that but that's how we see it*". In addition, there is little communication between the two organisations, which essentially are completely separate to one another (Critchley, *pers. comm.*, 13th January 2007; Wood, *pers. comm.*, 20th November 2006).

Thus the NCMD, also the older of the two bodies¹⁴, has perhaps, had slightly more engagement in discourse with heritage professionals and other related organisations, based on the comments from individuals from both the NCMD and the FID. It is certainly apparent that, although both organisations submitted responses and recommendations regarding the development of the *Treasure Bill* and PAS, the NCMD was more actively involved, attending regular meetings and making often detailed comments about the wording of the Act and the associated Code of Practice (Austin, *pers. comm.*, 25th November 2006).

As the second *Treasure Bill* made its way through Parliament in 1996, under the guidance of Sir Anthony Grant in the House of Commons, there were a variety of points raised. These included an observation that the very antiquity of treasure trove (something criticised by many) might in fact indicate that it actually worked very well to have stood the test of time (HC Deb, 8th March 1996, col. 557). The concern of metal-detector users was also raised, indicating that metal detecting constituents had contacted MPs. For example, Patrick Nicholls, the Conservative MP for Teignbridge, stated that, "*a detectorist has told ...[him]...of his concern that Parliament would introduce legislation that would weigh heavily against detectorists' interests*" (HC Deb, 8th March 1996, col. 561-2).

¹⁴ The FID was formerly part of the NCMD with a responsibility for individual members who were not affiliated to a local or regional society, but split off as a separate organisation in 1994, when the two groups' interests apparently became different (Wood, *pers. comm.*, 20th November 2006). A factor in the division may have been the NCMD's policy of direct involvement in discussions over the *Treasure Bill*, of which the FID apparently disapproved (Bland, *pers. comm.*, 8th November 2006).

Other issues were discussed in Parliament, and as with two years earlier, the looting at Wanborough and the associated trials were cited as an example for why the law needed strengthening (e.g. HC Deb, 8th March 1996, col. 554). This was not the only example of problems with treasure trove cited, in the debates around the *Treasure Bill*, but it was clearly significant given the involvement of Surrey Archaeological Society members in the development of the *Treasure Bill*, who were even mentioned in the debates (e.g. HC Deb, 8th March 1996, col. 556). Other cases of treasure trove mentioned included the discovery of 17th Century coins by an electrician working in a house in the Leicestershire village of Burton Overy. The decision was made to reward the electrician rather than the homeowners (HC Deb, 8th March 1996, col. 560), highlighting the concerns surrounding the often-used principle of ‘finders keepers’. This also reflected the ownership concerns raised on the part of the CLA, the support of which organisation had been considered from early on as essential to the success of the Bill (Ayles to Morris, 11th March 1991).

A significant publication that was not available until after the first attempt to pass Lord Perth’s *Treasure Bill*, was the report *Metal Detecting and Archaeology in England* (Dobinson and Denison 1995). This report, commissioned by the CBA and English Heritage, was very much an attempt to establish the present situation concerning the impact of metal detecting on English archaeology. Peter Addyman, who was then CBA President and very involved with the CBA’s Portable Antiquities Working Group (PAWG) that supported the survey, explained the rationale behind the report:

“I think that after the fracas with the STOP Campaign, people in the archaeological world realised that they had been heavily criticised by the metal detecting fraternity. Attempts to make common cause with the metal detecting fraternity first of all had to mend the hedges, as it were, and then there was the problem of coming up with some kind of way forward that was acceptable to both camps... ..It seemed to be a major issue with some very important finds coming to notice, and everybody asking, if there are the Icklingham Bronzes coming out, and Treasure laws and things, how many more things are not being brought to the public’s notice? How much is going on? How many metal detectorists are there?There was absolutely no

unity of view, and the reason for developing the CBA survey was to get a few facts. As it happened, since a lot of the metal detecting was illicit, or if not illicit then so informal as to be not regulated anyway, it was jolly difficult to show... ..So it was an attempt to bring some facts to the case and to make an argument, or make the basis for an argument for doing something to regulate metal detecting, and that, for the first time I think, actually did bring some sense to the discussion.”

(Addyman, *pers. comm.*, 30th November 2006)

The report was the result of surveys of both metal detecting clubs and heritage organisations carried out between December 1993 and March 1994 (Dobinson and Denison 1995), and was the first attempt to “*quantify the hobby’s impact on archaeology in England*” (Dobinson and Denison 1995: x). As discussed earlier, the report had its limitations; for example, the survey responses from metal detecting clubs were extremely low (see Chapter 2), and the background information to the history of the development of metal detecting was ultimately inaccurate (Fowler, *pers. comm.*, 16th October 2007; and see Chapter 5). However, it was significant as a means of bringing tangible data to the debate, and was cited as such in Parliamentary debates on the *Treasure Bill*. For example, it provided a source for an estimate of how many unreported portable antiquities were discovered in England each year for Baroness Trumpington to use in her argument in favour of both the Bill and a voluntary system for recording non-Treasure artefacts (HL Deb, 5th June 1996, col. 1340).

The CBA then, was involved in supporting the *Treasure Bill*, from regular communications with the Surrey Archaeological Society (e.g. Cleere to Hanworth, 27th September 1987), through to backing that was more formal. In the mid-1990s, the CBA formed the PAWG, largely due to persuasion that the CBA should be actively involved in the debate on the *Treasure Act 1996* and the formation of a voluntary finds recording scheme from Roger Bland (Heyworth, *pers. comm.*, 13th September 2006). Bland was instrumental in both the *Treasure Bill* and the formation of PAS (of which he became the Director). There may have been some tensions between the British Museum and the Surrey Archaeological Society in terms of leadership on the draft Bill as well as in terms of what the Bill’s content should be, as evidenced in

correspondences between the two organisations and other individuals (e.g. Ayres to Morris, 5th April 1991; Wilson to Lord Perth, 24th January 1991). Thus, it is speculated here that the formation of the PAWG may in part have been a diplomatic measure to facilitate wider discussion and ease any friction, although more significantly, it “*fulfilled a useful function in helping to develop an archaeological consensus*” on the key issues concerning portable antiquities (Bland, *pers. comm.*, 13th January 2009).

The members of PAWG represented academic and professional archaeological interests alongside a representative of the Surrey Archaeological Society (e.g. PAWG Minutes, 12th March 1997). PAWG members also convened a Standing Conference on Portable Antiquities (SCOPA) in the early 1990s (Addyman to Members and Observers of SCOPA, 10th June 2003), the purpose of which was to “*set out some principles about portable antiquities*” (Addyman, *pers. comm.*, 30th November 2006). One key point from the outset of SCOPA, about the fact of recording properly the information about the portable antiquity being more important than seeking ownership (Addyman, *pers. comm.*, 30th November 2006), was explained a year earlier in Parliament by Lord Renfrew:

“It is not the objects themselves and certainly not the ownership of the objects, gold, silver or whatever, that matter. What matters is the information that those objects can give us about our past. In my view what truly matters is not the ultimate ownership of the materials but that those materials are reported at once and then published, so that the find becomes part of the information available to us, and in a serious sense in terms of information it becomes part of our archaeological and cultural heritage.”

(HL Deb, 9th March 1994, col. 1489)

Both SCOPA and the PAWG were involved in discussing numerous issues that affected portable antiquities. For example, meetings of the PAWG in 1998, after PAS had already started as a pilot, included discussions about what level of information should be available about find spots. It was reported that some metal-detector users were unhappy with the idea of full disclosure of find spot location (PAWG Minutes,

8th June 1998). A discussion took place of whether metal-detector users were justified in their option to impose conditions on their disclosure of finds, especially given that the scheme was voluntary, or whether this clashed with the original purpose of PAS for benefiting archaeology through improving knowledge (PAWG Minutes, 8th June 1998). One meeting even discussed whether the, then forthcoming, *Freedom of Information Act* could be interpreted in terms of the historic environment, in its allowing for exceptions for information supplied in confidence and exempting information from public knowledge “*where disclosure would adversely affect the environment*” (PAWG Minutes, 18th March 1998).

SCOPA included representatives of the NCMD such as Dennis Jordan (e.g. SCOPA Minutes, 19th November 1998), although they were not invited to earlier SCOPA meetings (Bland, *pers. comm.*, 13th January 2009). However, metal-detector users were never invited to PAWG meeting, which were purely meetings of archaeological representatives, and they only attended SCOPA as observers (Heyworth, *pers. comm.*, 12th January 2009). The NCMD’s invitation to attend SCOPA was connected with their increased involvement with discussions concerning the implementation of the *Treasure Act* and the pilot schemes (Bland, *pers. comm.*, 13th January 2009).

As well as having an input into the development and funding application for PAS (e.g. PAWG Agenda, 2nd April 1996), other issues dealt with by the PAWG had international resonance, such as concern for cultural property in Iraq and lobbying for ratification of The Hague Convention (PAWG Agenda, 20th May 2003). However, in the earlier days of the PAWG, a key issue was without doubt the *Treasure Bill* and the accompanying voluntary recording scheme, the development of which is discussed below.

6.5 The planning of the Portable Antiquities Scheme

PAS was planned by the DNH to complement the *Treasure Act* 1996. The *Treasure Act* commenced on 24th September 1997 (PAWG Minutes, 2nd July 1997). After discussions and consultations alongside the modification of the Act, it had become apparent that provision to allow for a system of recording finds that were not already

classified as Treasure (or treasure trove) would have to be voluntary to have a chance of succeeding. This was particularly essential if the support of the metal-detector users for the scheme was to be secured (Bland, *pers. comm.*, 8th November 2006), many of whom would have preferred arrangements to have been even more voluntary that they eventually were (Wood, *pers. comm.*, 20th November 2006).

The DNH issued a discussion document in 1996 to put forward the two options for dealing with non-Treasure artefacts that complemented the *Treasure Bill*: “(a) for a voluntary Code of Practice on the recording of archaeological objects and (b) for legislation requiring the reporting of such objects” (DNH 1996). Comments were sought from archaeological organisations, museums, and metal-detector users (DNH 1996). Bland summarised the responses received to the consultation, that:

“...the metal detectorists all, to a man, said they would strongly oppose a compulsory requirement to report all finds. But they didn’t object to a voluntary scheme. The archaeologists and museums, most of them... ...a significant number if not most were, would have liked a compulsory requirement to report finds but they did say that they would be prepared to cooperate with a voluntary scheme. So, it was pretty obvious that that was going to be the way forward.”

(Bland, *pers. comm.*, 8th November 2006)

A *Statement of Principles* issued by the CBA, the Museums Association and the Society of Antiquaries of London in 1993 (1994: 188) had nonetheless recommended the adoption of a legally obligatory approach towards the reporting of antiquities, as taken in Scotland. As of yet, however, there are no further plans to pursue this sort of legislation for England and Wales, particularly as PAS, now national, has demonstrated a substantial increase in the number of objects reported, implying an improvement in relationships with metal-detector users, explored further in the next two chapters.

The eventual decision to create a voluntary system was thus taken based on responses to the DNH discussion document, which showed that “*opinion was strongly in favour of a voluntary rather than a compulsory system*” (HC Deb, 16th December 1996, col.

444). The decision to “*establish a two-year programme of schemes*” was formally announced in Parliament by the Minister for the DNH, Ian Sproat (HC Deb, 16th December 1996, col. 444-5).

A great many expressions of interest were received, after Bland sent Sproat’s Parliamentary statement about the funding of pilot schemes to “*all museums with archaeological collections and SMRs*” inviting expressions of interest from them to act as host (Bland, *pers. comm.*, 13th January 2009). Care was taken to assess the many expressions of interest that were received to host pilot FLOs¹⁵, with an emphasis in particular on whether there were existing relationships between archaeologists and metal-detector users, as well as representing a selection of different regions (Bland, *pers. comm.*, 8th November 2006).

Austin (*pers. comm.*, 25th November 2006), and Critchley (*pers. comm.*, 13th January 2007) who both confirmed that at the selection stage the NCMD was consulted for their views on the applicants, support this assertion that pilot regions were selected where there were existing good relationships. For example, Doncaster was rejected as a candidate host by the NCMD due to the city museum’s history of reluctance to engage with metal-detector users (Austin, *pers. comm.*, 25th November 2006). On the other hand, with its long history of cooperation between archaeologists and metal-detector users, Norfolk “*more or less selected itself*” (Bland, *pers. comm.*, 8th November 2006). Indeed, the system developed in East Anglia by Tony Gregory and Barbara Green formed the basis for PAS, as has been mentioned already in Chapter 5 (and Bland 2005b: 442; Bland, *pers. comm.*, 8th November 2006).

David Graham (2004), former Secretary of the Surrey Archaeology Society described the Society’s role in the development of the *Treasure Act* 1996. In addition, the Society was involved in the early stages of the development of PAS (Graham, *pers. comm.*, 29th July 2006), also accepting that provisions needed to be made for non-treasure items. However, their initial recommendations were for finds recording to be compulsory, not voluntary (Surrey Archaeological Society 1988: 2 – see above), perhaps as a reaction to the concern at the material lost at Wanborough. In addition,

¹⁵ Kent, Norfolk, Liverpool-Mersey, York/North Yorkshire, North Lincolnshire and the West Midlands were eventually selected to host the pilot PAS through museums services and archaeological units.

when PAS was finally launched, Surrey was not selected as one of the pilot regions, despite applying to host a FLO. The potential bad publicity for the new scheme, and perceived poor relationships due to Wanborough, may have led to the rejection of Surrey as a pilot region. Certainly, Graham felt that Surrey was “*deliberately avoided*” for a number of years, eventually becoming one of the last counties to appoint a FLO (Graham, *pers. comm.*, 29th July 2006).

The pilot schemes were ultimately successful, leading to further funding and an expansion of the Scheme to 11 FLOs and an Outreach Officer in 1999, and coverage across the whole of England and Wales from April 2003 (PAS 2006a). The impact of PAS in more recent years is further analysed in Chapters 7 and 8 of the thesis. In Chapter 7 the opinions of metal-detector users and their use of PAS is presented alongside their motives to metal detect in general. In Chapter 8, this theme is expanded to include data from a wider public audience of museum visitors, as well as input from FLOs and opinions from key individuals in both archaeology and metal detecting. The issue of whether PAS will continue into the future is also discussed in Chapter 8, and links back to the reviews of PAS discussed in Chapter 1, Section 1.5.

6.6 Conclusions: was Wanborough significant?

Wanborough is, of course, not unique as a nighthawked site in England, or as a site of the discovery of a large coin hoard. Other documented cases where illegal actions are considered to have taken place include Corbridge in Northumberland (Dobinson and Denison 1995: 55-6; Addyman and Brodie 2002: 181), and Donhead St Mary in Wiltshire (McKie 1996; Cleere and Marchant 1987: 73). Two other hoards of bronze coins discovered in 1994 in Dorset and Buckinghamshire, both legally dispersed or sold on before any archaeological recording could be made, further highlighted the need for the reform of treasure trove (Bland 1994: 81). The significance of Wanborough in particular was not so much in its importance as an archaeological site, but in the opportunities taken to politicise the looting of the site, and also the subsequent trials. The Surrey Archaeological Society, outraged by what had happened at Wanborough (effectively within their ‘territory’), are credited as the source of the initiative that led to the *Treasure Bill* (Bland, *pers. comm.*, 8th November 2006;

Addyman, *pers. comm.*, 30th November 2006). Nonetheless, they were supported greatly in achieving their goal of reforming treasure trove by significant heritage organisations and bodies such as the British Museum and the PAWG (Addyman, *pers. comm.*, 30th November 2006). The political connections that some members of the Surrey Archaeological Society had were also significant. For example Lady Hanworth, then the President, was the wife of the peer Viscount Hanworth, and had personal contacts within the House of Lords (Addyman, *pers. comm.*, 30th November 2006). It can be guessed that, had similar looting occurred in an area where the local archaeological society had less political influence, or even somewhere where there was no such archaeological or historical society to take up the cause at all the outcome may have been different. This is perhaps another reason why other instances of looting from the same time did not grow to have the same political resonance as Wanborough. The activity in the area of legislative reform by Surrey Archaeological Society, as an amateur archaeology group, is further demonstrated as unique by its inclusion in PAWG and SCOPA, when all other members of these groups were from professional, national heritage organisations.

Certainly, authors on the subject have referred to high profile cases of looting from England, for example the Salisbury Hoard (Renfrew 2000: 85-89), for which investigations began in 1988 (Stead 1998b) although the site is believed to have been looted in 1985 (Addyman and Brodie 2002: 180). Incidents at Corbridge between 1989 and 1993 have been cited as an example of a site vulnerable to metal detecting (Addyman and Brodie 2002: 181; Dobinson and Denison 1995, and see below). More recently, the 2002 incident of looting at Yeavinger Bell in Northumberland has been cited at conferences and seminars (e.g. Allan 2004) and made national news when it was discovered (Kennedy 2002). These cases have all occurred, or at least been addressed, later than the Wanborough case.

A later, sustained, incidence of looting which also gained wide recognition, largely due to its inclusion in the CBA report (Dobinson and Denison 1995: 55-6), was at the Roman site at Corbridge in Northumberland, which experienced numerous raids that were at times “*highly organised*” (Faulkner 2003: 24). The CBA report listed the site as one of the most looted in England, with incidents of looting between both Corbridge and Gestingthorpe, a Roman site in Essex, estimated to have suffered “*no fewer than 124 raids between them over the past six years*” preceding the survey

(Dobinson and Denison 1995). However, this information was a result more of the fact that metal detecting activity was formally monitored than necessarily any indication of worse situations at these sites compared to others in the country. Georgina Plowright, Curator of the English Heritage Hadrian's Wall Collections, and concerned for the perhaps undeserved reputation of Corbridge as a site for nighthawks, commented in interview that:

“...we [Corbridge] came out as being the second most metal-detected site in England. But what this really means is that we were the second most documented metal-detected site, simply because there was a head custodian and myself on the site, all week, and we were always watching out for evidence that people had been either on the site or on the fields round about on the other side.”

(Plowright, *pers. comm.*, 29th November 2006)

The subsequent hiring of a security guard on site at Corbridge seems to have reduced the incidence of nighthawking dramatically, with only two known cases of metal detecting on the site in the last four years as at November 2006 (Plowright, *pers. comm.*, 29th November 2006). However, it has remained a site of interest to the metal detecting community. There were even suggestions put forward by metal-detector users to English Heritage in more recent years that an annual event be arranged in which archaeologists alongside metal-detector users would undertake “*fieldwalking over the three most vulnerable fields of the Corbridge Roman site*” (Plowright, *pers. comm.*, 29th November 2006). The argument was that the site was clearly vulnerable, and that a formal event would record new evidence turned up by the plough, while at the same time acting as a deterrent to potential nighthawks (Plowright, *pers. comm.*, 29th November 2006). It seems to reflect Austin's (*pers. comm.*, 25th November 2006) opinion that nighthawks are likely to avoid a site if they know that a local metal detecting club has searched a newly-ploughed site, and that “*to just keep ploughing the site, and the nighthawks keep hitting it, without asking legitimate detector users to help, is just losing the information forever*”.

Despite this interest from the responsible metal detecting community, the annual metal detecting survey, although discussed formally, has not come into fruition for a number of reasons. Among these was the concern that having a “*metal detecting bonanza*” was not ideal publicity for Corbridge, and the view that what was effectively a sterilisation of the site and neighbouring fields to prevent nighthawking was “*incredibly negative*” (Plowright, *pers. comm.*, 29th November 2006). This does lead to further questions about the arguments in favour of metal detecting an area instead of leaving the artefacts in situ, in the case of ploughed areas. It could of course be argued that metal detecting an area may act as a deterrent, also supported by the views of the farm manager involved in the Durobrivae (Water Newton) metal detecting rally (Thomas 2007, and see Chapter 7). However, there are other concerns about the safety of artefacts left in the ground, particularly in relation to the effect of both the plough and artificial fertilisers (e.g. Faulkner 2003: 162).

The looting at Wanborough occurred within the political context of the aftermath of the STOP Campaign. Even before STOP was planned and launched, groups such as Rescue had already identified treasure hunting with a metal detector as a threat to archaeology (e.g. Fowler 1972). Public opinion towards the issue of treasure hunting versus professional archaeology was an issue:

“A professional approach is vaguely deplored – or savagely attacked as a means of getting public money for a private hobby, according to recent polemics by the metal detecting treasure hunters.”

(Cleere 1984: 61)

In the continuing tensions between archaeologists and metal-detector users, Wanborough still formed a cause of disagreement almost a decade later after it happened. In 1990, the same year as the Wanborough appeal case of *Regina Vs. Hancock*, and in light of the discussions to draft a Bill to change treasure trove, speculations of a conspiracy were even put forward in *Treasure Hunting*, one of the leading metal detecting magazines. In that magazine, Castle asked of archaeologists’ actions towards the still unscheduled Wanborough site:

“Did they deliberately allow the site to get looted to:

- (1) *exert pressure on the landowners to allow them access to the site which he had previously refused to do?*
- (2) *provide an excuse for another attempt to change the law?"*

(Castle 1990: 50)

While it is not alleged here that such a conspiracy occurred, the tone of Castle's article indicates wider feelings of scepticism and suspicion from many metal-detector users towards archaeologists, which were no doubt reciprocated. Herein lies an important, and sometimes under-emphasised, issue in the relationships between archaeologists and metal-detector users. There are, of course, metal-detector users who would never have been comfortable with, or prepared to work alongside, archaeologists, particularly if they are metal-detector users who indulge in nighthawking. And equally, even the most responsible of metal detecting causes concern to some archaeologists, even today, due to the fact that even the most diligent of finds recording by metal-detector users cannot provide the same level of detail as professional archaeological excavation, taking into account as it does, stratigraphy, related non-metal finds, organic material, and so forth. However, it cannot be ignored that campaigns such as STOP had their own part to play in closing doors to possible communication.

As with all cases of looting and undocumented removal of archaeological material, it is the loss of information from the context of the site and its relationship to the surrounding area, which is irretrievable. That the initial looting of Wanborough took place within a period marked by the STOP campaign and the promotion of the doomed *Abinger Bill*, probably accounts greatly for its notoriety. Hobbs (2003: 18) asserts that when the looting happened it even led to calls for metal detecting to be banned. Wanborough remains the "*best documented*" of looted sites in terms of the damage caused (Addyman 2001: 142).

Another important aspect to the fame of Wanborough are the reports of how much money might have been made from the illicit findings in the 1980s, with dealers even buying the coins at the site as they were being uncovered in some instances (Graham 2004: 307). The power of money, both as incentive to loot, and as a way of emphasising the severity of an instance of looting in political arguments, must not be underestimated.

Perhaps the most important factor for the significance of Wanborough, however, was the determination of the individuals involved in its exploitation for making changes to the law. Although it was another decade until legislation was passed, Surrey Archaeological Society, along with staff from the British Museum and DCMS were persistent in pursuing the legislation, promoters of the Bill that finally successfully replaced treasure trove (Addyman, *pers. comm.*, 30th November 2006). According to Lady Hanworth, the *Treasure Bill* was successful “...because of our persistence – we persisted in this for ten years before we achieved our goal.” (Hanworth, *pers. comm.*, 31st July 2006).

The timing of the incident, and even the unsatisfactory result of the trials for the archaeologists involved in the prosecution, seem to have been crucial for the site’s ‘value’ as a key example to use for the argument to amend legislation in England and Wales. To take a recent legislative example, the Private Members Bill that led to the *Dealing in Cultural Objects (Offences) Act 2003* arguably benefited from the high media publicity for cultural property under threat, and the attention given to this issue by the Government. This was afforded by the conflict in Iraq and its ramifications for Iraqi heritage and museums (Allan, *pers comm.*, 21st May 2004; Stone 2005: 940-941). The 2002 looting by nighthawks of Yeavinger Bell Iron Age hillfort in Northumberland also found a role as an example to cite in the arguments for the Act to be passed (Allan 2004). The Overton case represented a relatively high profile case taking place at the same time as the campaigning for the 1981 *Abinger Bill*, but possibly, as the dispute was about the nature of the finds and the gold content, rather than about an actual case of theft, it may have carried less weight, certainly in the scope for publicity or for adding weight to any arguments for controlling the activities of treasure hunters.

However, despite the evidence of nighthawking from Wanborough, Corbridge and other sites, the metal-detector users’ opinions were also taken into account in the development of the *Treasure Act 1996* and PAS. Indeed, it is worth reiterating that responsible metal-detector users echoed heritage professionals in decrying the looting at Wanborough. The *Abinger Bill* was similar in its goals to the *Treasure Bill*, and has even been described as being more elegant than the one that eventually was enacted (Morris, *pers. comm.*, 26th September 2006). However, its occurrence during the period that the STOP Campaign was active meant that dialogue with metal-detector users on the content of the *Abinger Bill* was unlikely. This was despite insistence in Parliament by Baroness Birk that the Bill was not

part of “*any campaign against treasure hunters*” (HL Deb, 8th February 1982, col. 22). The inclusion of metal-detector users in the consultation process to develop the *Treasure Bill*, along with Government support, was another crucial factor to its success.

Wanborough has been looted several times since 1985, for example in 1997 (*British Archaeology* 1997: 4; Brodie, Doole and Watson 2000: 22), in 2000 (Addyman and Brodie 2002: 182), in 2005 (Figures 6.5 and 6.6), and even more recently, although on a much smaller scale than in previous years (Graham, *pers. comm.*, 15th January 2009). However, on these occasions, there was no STOP campaign, and with relations far improved since the 1980s, local metal detecting clubs even joined archaeologists in condemning some of the raids (*British Archaeology* 1997: 4). Even since the arrival of the *Treasure Act* 1996, other instances of looting have occurred, as Yeavinger Bell has demonstrated. This raises the question of whether changing legislation makes any difference to the rate of nighthawking. In the case of the *Dealing in Cultural Objects (Offences) Act* 2003 it is still early days, but it will be interesting to see how many convictions are made because of it. The recent report on nighthawking indicates that illicit metal detecting has decreased in recent years (Oxford Archaeology 2009a: 89). Whether it has or not, one has to wonder whether another incident, as influential, or as infamous (or famous?) on the scale of Wanborough will ever emerge again.



Figure 6.5 Damage from recent looting of Wanborough site, filled with rainwater. Anecdotal information suggests that quantities of earth may have been removed to search more thoroughly at a different location. January 2005



Figure 6.6 More evidence of ground disturbance at the Wanborough site, January 2005