

Advice to the Public

on Use of
Metal Detection
Devices and their
Impact on our
Archaeological
Heritage



An Roinn
Ealaíon, Oidhreachta agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht

museum
National Museum of Ireland
Ard-Mhúsaem na hÉireann

SUMMARY OF KEY POINTS

- The unregulated and inappropriate use of detection devices causes serious damage to Ireland's archaeological heritage and is subject to severe penalties under the National Monuments Acts 1930-2004
- It is illegal
 - to be in possession of a detection device at monuments and sites protected under the National Monuments Acts;
 - to use a detection device to search for archaeological objects anywhere within the State or its territorial seas;without the prior written consent of the Minister for Arts, Heritage and the Gaeltacht
- Archaeological objects are broadly defined in the National Monuments Acts and objects may come within the terms of the definition regardless of their age or degree of antiquity, e.g. 20th century material
- It is illegal to promote the sale or use of detection devices for the purposes of searching for archaeological objects
- It is illegal to dig or excavate for archaeological objects, or to dive on a protected wreck, anywhere in the State or its territorial seas, without the prior written consent of the Minister
- Anyone who finds an archaeological object must report it to the National Museum of Ireland or designated local museum within 96 hours
- Only the Minister for Arts, Heritage and the Gaeltacht may grant consent to use a detection device for archaeological purposes – membership of any organisation or body or the sourcing of equipment from a particular supplier does not provide compliance with the law

INTRODUCTION



Early medieval iron tools and a copper alloy penannular brooch. Ancient tools may look similar to relatively modern examples and the significance of such finds might not be understood without professional expertise.

The unauthorised use of detection devices to look for archaeological objects contravenes the law in Ireland, as set out in the National Monuments Acts 1930 to 2004.

Such usage is subject to severe penalties, including imprisonment and/or fines. The categories of objects that are most commonly located by metal detectorists in Ireland, such as coins, tokens, buttons, clothes fasteners, thimbles, keys, seals, weights, strap ends and belt mounts, all fulfil the definition of 'archaeological objects' which may only be searched for under licence from the Minister for Arts, Heritage and the Gaeltacht. Therefore it is advisable not to engage in any general searching for lost or buried objects as to do so may place you at risk of prosecution and also endanger the archaeological heritage.

1. How Can Metal Detecting Cause Damage to Archaeological Sites and Objects?

Unregulated and inappropriate use of metal detectors causes serious damage to Ireland's archaeological heritage. Unsupervised recovery of archaeological objects by untrained and unlicensed users of metal detectors can greatly diminish, or can entirely eliminate any knowledge or research value that might be gained from a particular discovery.

Archaeological objects must be excavated in a structured scientific manner, with careful recording of their association with other objects, structures, features and soil layers. Failure to expertly record the context from which an object has been removed results in an irreplaceable loss of knowledge of the past.

Random searches with metal detectors cannot determine whether a find is of archaeological importance or if it is a recent discard. The result in either case is that the soil or setting is greatly disturbed and any non-metallic evidence and objects are likely to be destroyed.



Medieval harness mounts, buckles and a harp-peg. Archaeological objects such as these are typical metal-detected finds.

2. What is the Law on Metal Detecting?

To prevent damage to our archaeological heritage by the unauthorised use of metal detectors, the National Monuments Acts 1930 to 2004 regulate the use of metal detectors for archaeological purposes throughout the State of Ireland and its territorial seas.

Unless you have formally applied for and received consent in writing from the Minister for Arts, Heritage and the Gaeltacht under the National Monuments Acts, it is against the law:

- to be in possession of a detection device in, or at, a site protected under the National Monuments Acts. This includes:–
 - a monument subject to a Preservation Order
 - a monument in the ownership or guardianship of the Minister or a local authority
 - a monument entered in the Register of Historic Monuments
 - a monument included in the Record of Monuments and Places
 - the area around a wreck subject to an underwater heritage order;
- to use a detection device for the purpose of searching for archaeological objects anywhere within the State or its territorial seas.

The penalty for an offence in relation to the above is a fine of up to €63,486 and/or up to 3 months imprisonment.

Anyone using a metal detector in contravention of the above restrictions and who, following detection of an archaeological object, digs to retrieve the object without an excavation licence may be guilty of an additional offence under the National Monuments Acts.



Medieval scallop-decorated belt mount, part of a vessel and a boat rivet of more recent vintage.



Evidence of ground disturbance as a result of unauthorised metal detecting near Rindoon, Co. Roscommon.

3. Can I Search for Archaeological Objects Without a Metal Detector?

Unless you have a licence from the Minister for Arts, Heritage and the Gaeltacht, it is also an offence to dig or excavate for the purpose of searching for archaeological objects, or anything of archaeological interest, even though you may not be using a metal detector. It is also an offence to dive on a wreck that is 100 or more years old, or which is subject to an underwater heritage order, or to search for archaeological objects located underwater, without being in possession of a formal consent from the Minister.

The penalty for this offence is a fine of up to €126,972 and/or up to 12 months imprisonment.

4. What is the Law in Relation to the Promotion of the Sale or Use of Metal Detectors to Search for Archaeological Objects?

Under the terms of the National Monuments Acts 1930 to 2004 it is illegal to promote, whether by advertising or otherwise, the sale or use of detection devices for the purpose of searching for archaeological objects. The penalty for those found guilty of this offence is a fine of up to €2,500.



Medieval iron axe.

5. What is an “Archaeological Object”?

The term ‘archaeological object’ is defined in the National Monuments Acts 1930 to 2004 and has a broad meaning in terms of type and age of objects. Commonplace objects of relatively recent date such as coins and militaria, including 20th century material, may fall within the category of ‘archaeological object’. Such objects may come within the terms of the definition regardless of their date and degree of antiquity. It may not be apparent until an object has been dug up that it is an archaeological object. In that event, the damage will already have been done and an offence is likely to have been committed.

6. Where Should I Report the Finding of an Archaeological Object?

Under the terms of the National Monuments Acts 1930 to 2004, ownership of any archaeological object with no known owner is vested in the State. Anyone who finds an archaeological object must report it within 96 hours to the National Museum of Ireland or to a Designated County or City Museum in the locality. Anyone found guilty of an offence under these provisions is subject to a fine of up to €111,100 and/or 5 years imprisonment.

It is also a requirement of the Acts that anyone who finds a wreck that is more than 100 years old lying on, in or under the seabed, or in land covered by water, must report the find within 96 hours to An Garda Síochána or the Department of Arts, Heritage and the Gaeltacht.

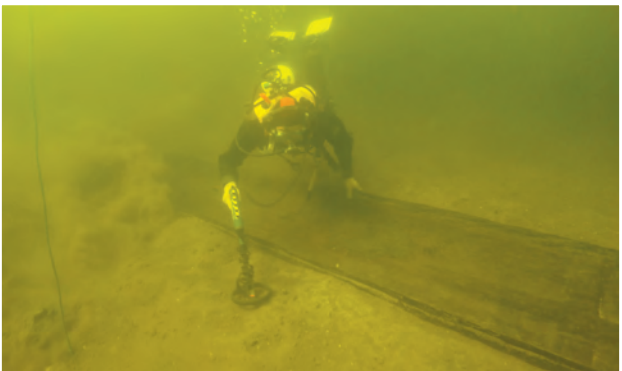


Officer's pistol 1700-1750. A find such as this may indicate the location of a battlefield.

7. What is the General Advice to the Public on the Use of Metal Detectors?

It is against the law to engage in general searches for archaeological objects in Ireland using a metal detecting device unless you have received written consent from the Minister for Arts, Heritage and the Gaeltacht. *To do so without such consent places you at risk of prosecution.* The onus is on the operator to ensure that a metal detector is used in accordance with the law.

While it is illegal to *use* a metal detector anywhere to search for archaeological objects without the formal consent of the Minister for Arts, Heritage and the Gaeltacht, it is an offence to even be *in possession* of a metal detecting device without the Minister's consent on the site of any monument or archaeological area protected under the National Monuments Acts. This also applies to areas which are subject to underwater heritage orders made under the National Monuments Acts.



National Monuments Service Underwater Archaeology Unit carrying out authorised dive survey work.

There are around 130,000 archaeological monuments located all across the State which are protected under the terms of the National Monuments Acts 1930 to 2004. In many cases, there may be no surviving above ground remains and it may not be immediately apparent that there is the site of a protected monument at a particular location.

The locations of recorded monuments are identified on the website of the National Monuments Service of the Department of Arts, Heritage and the Gaeltacht, www.archaeology.ie.



Musket balls and part of a fragmented mortar bomb from a 17th century battlefield.

8. Who is Responsible for Granting Consents and Licences under the National Monuments Acts?

Only the Minister for Arts, Heritage and the Gaeltacht is authorised to grant consent to use a metal detector for archaeological purposes within the State and to license archaeological excavations. There is no other form of legal authorisation or approval to detect for archaeological objects. Detection consents and licences are only given to named individuals for specific sites. Licences are never issued collectively or through an intermediary.

You do not have a Ministerial consent to detect or any other authorisation to use a metal detector for archaeological purposes as a result of any of the circumstances below:

- *your membership of any organisation or body;*
- *your level of training in the use of metal detectors;*
- *your use of a particular type/brand of metal detector;*
- *obtaining your metal detector from a particular supplier or source.*

9. What is the Policy of the Minister in Relation to Consents for Use of Metal Detectors?

As a general rule, the Minister for Arts, Heritage and the Gaeltacht will not grant consents for the use and/or possession of metal detectors except to suitably qualified archaeologists or persons who will be working under professional on-site archaeological supervision.

Before consent to use a metal detector is issued, the applicant will have to make clear that the use of the device is in accordance with best archaeological practice. This is achieved through the submission of a detailed method statement setting out the proposed work programme for assessing a site and achieving the greatest possible level of archaeological knowledge from the work undertaken.



Inscribed medieval finger ring.

10. What if I Discover an Archaeological Object by Chance?

The information and regulatory provisions outlined here do not in any way affect those who may find archaeological objects by chance – for example in the course of farming activity – provided the find is reported in accordance with the advice in Paragraph 6 above. It is normal practice to pay rewards to finders of archaeological objects discovered in legitimate circumstances and reported to the National Museum of Ireland.



19th century livery buttons. Details present on livery buttons often make it possible to identify the families who employed the servants. Military buttons of a similar type make it possible to identify specific regiments and may be the only evidence of the presence of a soldier of the regiment in a particular area. Many buttons also carry maker's details on the back which provide useful information on trade and commerce.

11. Where Can I Get Further Information?

The legislation governing the usage of detection devices and provisions relating to the discovery and reporting of archaeological objects is available online at: www.irishstatutebook.ie

For further information, you may also contact:

- National Monuments Service, Department of Arts, Heritage and the Gaeltacht, Custom House, Dublin 1; Email – nationalmonuments@ahg.gov.ie; Tel: 01-8882169.
- The Duty Officer, Irish Antiquities Division, National Museum of Ireland, Kildare Street, Dublin 2; Email – antiquitiesdo@museum.ie; Tel: 01-6777444;

This document is intended only as a general guide to the provisions of the National Monuments Acts relating to metal detection devices and is not a legal interpretation of those Acts. The full text of the National Monuments Acts 1930-2004, and of other legislation that may be applicable, is available on www.irishstatutebook.ie.



Enamelled terminal of an early medieval bracelet following conservation.



Hoard of 17th century English and Spanish gold and silver coins and an inscribed gold finger-ring. The unauthorised removal of well-dated material such as coins hugely impoverishes the archaeology of a site.

CONTACT DETAILS

National Monuments Service
Department of Arts, Heritage and the Gaeltacht,
Custom House
Dublin 1

Email - nationalmonuments@ahg.gov.ie

Tel: 01-8882169

www.archaeology.ie

The Duty Officer
Irish Antiquities Division
National Museum of Ireland
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E-mail: antiquitiesdo@museum.ie

Tel: 01-6777444

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