

Advice to the Public from the Minister for Arts, Heritage and the Gaeltacht and the National Museum of Ireland on Use of Metal Detection Devices in Ireland

The unauthorised use of metal detectors to look for archaeological objects is against the law.

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 license. It is advised therefore that persons do not engage in general searches for lost or buried objects as to do so may place them at risk of prosecution and endanger the archaeological heritage.

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 is greatly disturbed and any non-metallic evidence and objects are likely to be destroyed.

Archaeologists are highly trained professionals who are closely regulated by licence and by public policy and codes of practice. Nobody objects to this. Would it not be utterly strange therefore if untrained amateurs using a highly effective technology but a defective and highly damaging methodology were free to act without regulation?

1. 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 a Detection Consent 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 the site of, a monument subject to a Preservation Order, or a monument in the ownership or guardianship of the Minister or a local authority, or a monument entered in the Register of Historic Monuments, or a monument included in the Record of Monuments and Places or a restricted area;
- 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 object, digs to retrieve an archaeological object without an excavation licence, may be guilty of an additional offence under the terms of the National Monuments Acts.

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

3. What is the law in relation to the Promotion of the Sale or Use of Metal Detectors to Search for Archaeological Objects?

Under 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 €1000 (Euro equivalent).

4. 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.

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

Under 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, a Designated County or City Museum in the locality, or An Garda Síochána,. Anyone found guilty of an offence under these provisions is subject to a fine of up to €111,100 and/or 5 years imprisonment.

6. 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 a Detection 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. You are likely to be required to provide evidence that a Ministerial Detection Consent has been issued to you to detect at a particular location, should you be approached by a member of An Garda Síochána.

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.

7. 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 Ministerial Consent or any other authorisation to use a metal detector for archaeological purposes as a result of

- *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;*
- *having obtained your metal detector from a particular supplier or source.*

8. 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 a 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.

9. 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.

10. 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 may be accessed online at: www.Irishstatutebook.ie

For further information, you may also contact:

- *The Duty Officer, Irish Antiquities Division, National Museum of Ireland*
(antiquitiesdo@museum.ie or ph. 01:6777444)
- *Press Office, Department of Arts, Heritage and the Gaeltacht.*