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 a 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

CONTACT DETAILS

National Monuments Service
Department of Arts, Heritage and the Gaeltacht,
Custom House
Dublin 1
Email – nationalmonuments@ahg.gov.ie
Tel: 01-6777444

The Duty Officer
Irish Antiquities Division
National Museum of Ireland
Kildare Street
Dublin 2
Email – antiquitiesdo@museum.ie
Tel: 01-8882169

www.museum.ie

Metal detectors and metal detecting devices are commonly used by treasure hunters and amateur archaeologists. Many legal and ethical issues arise from their use.

2. 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 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 formal consent from the Minister for Arts, Heritage and the Gaeltacht, it is an offence to be in possession of a metal detection 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 protection under the National Monuments Service Underwater Archaeology Unit.

Musket ball armour of a fragmented musket (from 17th century battlefields)

3. 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 licence 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. Licenses are never issued collectively or through an intermediary.

Before consent to use a metal detector is issued, the applicant must 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.

4. What is the Legal Authorisation or Approval to Detect for Archaeological Objects?

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

5. What is the Legal Authorisation or Approval to Detect for Archaeological Objects by Chance?

As a general rule, the Minister for Arts, Heritage and the Gaeltacht will issue grant for the discovery and possession of metal detectors except to suitably qualified professional persons who work under professional on-site archaeological supervision.

6. How to Report an Archaeological Object by Chance?

The onus is on the operator to ensure that a metal detector is used in accordance with best archaeological practice. You do not have a Ministerial consent to detect or an other authorisation to use a metal detector for archaeological purposes as a result of any of the circumstances below.

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

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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 issue grant for the discovery and possession of metal detectors except to suitably qualified professional persons who work under professional on-site archaeological supervision.

Before consent to use a metal detector is issued, the applicant must 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.

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

The Minister for Arts, Heritage and the Gaeltacht, or his agent, takes all legal steps to recover the artefact. If the object lies within the public domain, you must report it to the nearest police station or museum. If the object is on a private site of the owner’s choice, you must report it to the nearest police station or museum.

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 National Monuments Acts relating to metal detecting devices and is not a legal interpretation of those Acts. The full text of the National Monuments Acts 1930-2004, and of all other legislation that may be applicable, is available on www.irishstatutebook.ie

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11. What 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

National Monuments Service, Department of Arts, Heritage and the Gaeltacht, Kildare Street, Dublin 2; Email – antiquitiesdo@museum.ie; Tel: 01-6777444

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National Monuments Service Underwater Archaeology Unit

National Museum of Ireland

Kildare Street

Dublin 2

www.museum.ie

Musket ball armour of a fragmented musket (from 17th century battlefields)

Metal detectors are sometimes used by treasure hunters and amateur archaeologists. Many legal and ethical issues arise from their use.
The unregulated and inappropriate use of metal detector devices causes serious damage to Ireland’s archaeological heritage. Unsecured recovery of archaeological objects through the unlicensed use of metal detectors can greatly diminish, or 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 the 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 irreparable loss of knowledge of the past.

Radio contact with metal detectors cannot determine whether a find is of archaeological importance or not. An object may be a recent discard. The result is that the site is negatively disturbed and valuable evidence that may have been found elsewhere is lost.

The unauthorised use of metal detecting devices to look for archaeological objects anywhere in Ireland, such as coins, tokens, buttons, clothes fasteners, thimbles, keys, seals, weights, strap ends and medieval harness mounts, all fulfil the definition of ‘archaeological object’. Archaeological objects must be excavated in a structured scientific manner, with careful recording of the 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 irreparable loss of knowledge of the past.

Radio contact with metal detectors cannot determine whether a find is of archaeological importance or not. An object may be a recent discard. The result is that the site is negatively disturbed and valuable evidence that may have been found elsewhere is lost.

Metal detectors can greatly diminish, or can entirely eliminate evidence of significant finds which might otherwise be preserved. Such objects may come within the terms of the definition of ‘archaeological object’.

Evidence of ground disturbance as a result of unauthorised metal detecion can be recognised in several ways:

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

2. What is the Law on Metal Detecting?

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

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

5. What is an “Archaeological Object”?

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

The term ‘archaeological object’ is defined in the National Monuments Acts 1930 to 2004. A broad definition in terms of the law allows for both prehistoric and pre-Roman objects, as well as objects found in various locations, including 20th century military relics. 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 found that it is an archaeological object. At that event, the damage will already have been done and an offence is likely to have been committed.

Under the terms of the National Monuments Acts 1930 to 2004, a fine of up to €126,972 and/or up to 12 months imprisonment is a maximum penalty for someone found guilty of this offence.

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 Acts is liable to a fine of up to €2,500 and/or 5 years’ imprisonment.

It is also a requirement of the Act that anyone who finds a wreck that is more than 200 years old, whether on the surface, or in the sea or in the waters of a lake, should report the find within 96 hours to the State Archaeologist or to the Department of Arts, Heritage and the Gaeltacht.