

GUIDELINES FOR THE

Private Use of Metal Detectors

INTRODUCTION

Metal detecting is used by cultural heritage authorities and it is a popular hobby among private individuals. Private use of metal detectors has increased significantly in recent years, especially in ploughed fields.

Each year, metal detecting results in many archaeological finds which are important for research, dissemination and management.

A good understanding of roles, and effective collaboration between private metal detectorists and the heritage authorities, is necessary to ensure that private metal detecting benefits both research and wider society. This requires clear guidelines that secure uniform management practice in accordance with the law.

Private use of metal detectors is allowed in Norway, but as a detectorist, one is obliged to be aware of relevant laws and rules. The Cultural Heritage Act, in particular, has rules that are significant in terms of the relationship between private metal detecting and automatically protected sites.

The Directorate for Cultural Heritage looks positively upon collaborations between private metal detectorists and museums, county authorities or the Sami Parliament – for example in connection with archaeological registrations, research or organised detecting events. In such collaborative projects, the work is carried out in accordance with the laws and rules that regulate archaeological registrations and excavations.

THE CULTURAL HERITAGE ACT STATES

Interventions at automatically protected monuments and sites

It is forbidden to make interventions at automatically protected monuments and sites. § 27 of the Cultural Heritage Act states that violation of this prohibition may result in a penalty. Intervention

here means any action that may damage, destroy, excavate, move, change, cover, conceal or in any other way unduly disfigure an automatically protected monument or site. It is also forbidden to induce risk that any of this may happen, as set out in § 3 of the Cultural Heritage Act. The use of a metal detector may cause damage to automatically protected monuments and sites.

Based on these regulations, it is thus generally forbidden to engage in metal detecting within automatically protected monuments and sites.

What are automatically protected monuments and sites?

The Cultural Heritage Act § 4 lists the types of monuments and sites that are automatically protected. The list comprises fixed traces of human life and activity from before 1537. Sami sites are automatically protected if they are older than 100 years. Automatic protection applies to both known and hitherto unknown monuments and sites.

Security zone

All automatically protected monuments and sites has a security zone of five metres extending from its visible or known external boundary. This is described in more detail in § 6 of the Cultural Heritage Act. The security zone extends the site in all directions – horizontally and vertically both up and down. This also means that the soil above an automatically protected site is part of the security zone. The prohibition against interventions at automatically protected monuments and sites also applies to the site's security zone.

Dispensation

The Cultural Heritage Act § 8, first section, allows for applications permitting interventions, such as metal detecting, at automatically protected monuments and sites.

The Directorate for Cultural Heritage is a government agency under the Ministry of Climate and Environment, and plays an advisory role in the development of Norway's cultural heritage policy. The Directorate is also responsible for implementation of Norway's cultural heritage policy and has overall responsibility for the activities of the counties and the Sámediggi (Sami parliament) relating to cultural monuments and sites, cultural environments and landscapes.

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Protected objects

The Cultural Heritage Act § 12 sets out what protected objects are according to the law, and what the state's ownership rights are. Ownerless objects from before 1537, coins from before 1650 and Sami artefacts older than 100 years are the property of the state. The regional archaeological museums manage protected objects on behalf of the state. § 13 of the Cultural Heritage Act states that it is forbidden to damage protected objects.

Area protection

The Cultural Heritage Act § 19 authorises the protection of a larger area around one or more automatically protected monuments or sites. There is often strict regulation regarding activities in such protected areas.

Import and export of protected objects

The Cultural Heritage Act §§ 23 – 23 f regulates the import and export of cultural artefacts of national value. The aim is, among other things, to protect important items from illegal export, and secure proper documentation of artefacts imported or exported legally. One has a duty, therefore, to make oneself aware of the regulations before any potential purchase of cultural artefacts from abroad or export of such artefacts out of Norway.

Penal regulations

Those who wilfully or negligently contravene bans, requirements, conditions or regulations stated in or pursuant of the Cultural Heritage Act can be punished in accordance with § 27 with fines or imprisonment of up to one year. The same applies to complicity and attempted contravention.

Compensation and restoration

A demand for compensation or restoration can be appropriate if a site is damaged. This follows general legal principles for compensation. Those who contravene the regulations may be responsible for compensation to both the owner of the site and to the heritage authorities.

In cases of damage to a site as a consequence of illegal metal detecting, it may be

necessary to undertake 'rescue' measures to limit or repair the damage. The heritage authorities' demands for compensation will normally comprise of the costs associated with these rescue measures.

[The entire Cultural Heritage Act can be read here.](#)

OTHER IMPORTANT RULES YOU MUST BE AWARE OF AS A METAL DETECTORIST

Landowner's rights

Before conducting metal detecting, you must obtain the necessary permission from the landowner. The landowner's interests are protected by the Penal Code § 346, regarding the unlawful use of real estate. Unlawful use includes, among other things, digging on another person's land. The provision affects use in conflict with others' rights to the property. Infield land is more strongly protected than outfield land.

Landowner's rights apply to both private and public land.

Public right of access

The public right to access is a common term for the rights everyone has to roam, stay and harvest in nature no matter who owns the land. The main regulation relating to the public right to access is stated in the Outdoor Recreation Act § 2, first section. The main principle is that everyone can stay and roam freely in outfield areas.

In infield areas, the public right of access is very limited and this regulates both roaming and metal detecting. Cultivated land, hay meadows, pastures, forest plantations and so on are considered infield and thus areas where public access is an undue inconvenience for the landowner or land user. According to the Outdoor Recreation Act § 3, one has the right of access to infield areas only if the ground is frozen or covered in snow, and not at all between 30th April and 14th October.

The Outdoor Recreation Act § 11 outlines the rules regarding the right of landowners to expel people who do not behave carefully and respectfully. Violation

of § 11 or other provisions in the Outdoor Recreation Act is punishable, cf. § 39.

To be safe, one should always ask permission if one wants to use a metal detector on another person's land.

Lost property

The Lost Property Act regulates private property that has gone astray. A person who finds something that may be lost is required to hand it in to the police, as per § 2. A person who finds something that has lain hidden so long that there is no possibility to ascertain its owner or the owner's descendants is to share the value of the find equally with the landowner. This follows from the Lost Property Act § 1. If the find is regulated by the Cultural Heritage Act, the provisions there apply.

The Penal Code §§ 343-345 has rules on the unlawful use and possession of private property.

Burial sites

All types of burial sites from before 1537 are automatically protected, as per § 4 of the Cultural Heritage Act. Sami burial sites are automatically protected if they are over 100 years old. More recent graves may be protected by other laws.

In accordance with The Penal Code § 195, one can be punished with up to two years in prison for removing body parts or objects from a corpse or a burial site. Taking something from a grave can be punished as theft no matter whether someone owns the object.

In principle, war graves have the same protection as other burial sites. In addition, the Funeral Act § 23 (a) has provisions that protect war graves for foreign soldiers and prisoners of war from the First and Second World Wars without any time limitations. More details are provided about such war graves in the Regulations for War Graves. These graves are also protected by the Geneva Convention.

Natural Diversity Act

As a metal detectorist, you should also be aware of the provisions of the Natural Diversity Act § 6, which states that all who roam in nature are to be attentive and do what is reasonable in order to avoid damaging natural diversity.

Areas can be specially protected by the Natural Diversity Act. There are, for example, often restrictions on roaming where animals are protected, or restrictions on digging where rare plants are protected or where the environment is particularly vulnerable.

The Planning and Building Act

There may be provisions in a zoning plan that regulate making physical interventions in an area. Greenstructure with the sub-zoning as nature area or buffer zone for preservation of a cultural or natural environment may have provisions that metal detectors should look into.

THE DIRECTORATE FOR CULTURAL HERITAGE'S GUIDELINES FOR METAL DETECTORISTS

Familiarise yourself

Before you start detecting, it is important that you check the areas you are considering investigating in order to avoid damaging protected monuments or sites. Information including the location of all hitherto known automatically protected monuments and sites can be found in the heritage database Askeladden. This information can be found at www.kulturminnesok.no or www.miljostatus.no, as well as in a number of other digital online map services. It is important to be aware that many sites were registered a long time ago, when mapping methods and standards were not as good as they are today. The heritage authorities work continually to control the quality of the databases, but both the location and extent of registered archaeological sites in Askeladden can be inaccurate and somewhat incomplete. There can also be errors or other deficiencies in the databases which mean that one does not always find all the information relating to a site at once.

It is, nevertheless, the provisions of the Cultural Heritage Act that determine whether something is protected, not the databases. You must therefore also be careful outside areas that are shown as automatically protected in Askeladden.

Many automatically protected monuments and sites are not yet discovered and mapped. Nevertheless, these sites enjoy the same strict protection of the Cultural Heritage Act. The potential for new finds around already-known automatically protected sites is high. As a metal detectorist, you must therefore be particularly careful in proximity to known automatically protected monuments or sites.

The Directorate for Cultural Heritage recommends that you do not engage in metal detecting closer than 25 m from an automatically protected monument or site. Remember that many archaeological monuments and sites can be difficult to see clearly on the surface. If you are in doubt, contact the local county authority or the Sami Parliament.

Be careful

As a metal detectorist, you must be careful by both making yourself familiar with registered automatically protected monuments and sites, and by taking special precautions so to not damage unknown automatically protected monuments or sites.

«Uavklart» (not defined) status in Askeladden

Some heritage sites are registered with the status «Uavklart» (not defined) in Askeladden. This applies to, among other things, loose finds and ploughed-out burial grounds. Where sites are registered with unclear protection status in Askeladden, it means that further investigations are needed to clarify the protection status. It is the heritage authorities that have the responsibility for clarifying this. In order to avoid damaging monuments or sites, you should neither use a metal detector nor dig for finds in such areas.

Obtain permission from the landowner

Before using a metal detector, you should obtain permission from the landowner where necessary. Many properties are leased from the landowner, and tenants do not always have the ability to permit metal detecting on the property. Thus you should make sure that you have got permission from the right person. The municipality or the state may also be the landowner. In such cases, permission must be obtained from the appropriate body.

Metal detecting in outfield areas

Not-known automatically protected heritage sites in outfield areas are often well preserved, but can be easily damaged by intervention, such as digging following positive signals from a metal detector. A spade can cause physical damage to the artefact itself, but exposure to the air can also cause rapid decay and destruction of artefacts.

If you choose to detect in outfield areas, do not dig up artefacts that you recognise as mandatory for handing over to the authorities. Instead, leave the artefact where it is. Take a picture of it (using your mobile is fine), but do not expose it any further in order to get a better picture. Cover it with soil and clearly mark the location before contacting the local county authority or Sami Parliament. Remember that the find location and the context of the find can often have as much scientific value as the artefact itself.

Metal detecting in actively-ploughed fields

If you find protected objects in actively-ploughed fields, in areas that are not yet marked as automatically protected, you should never dig deeper than the plough layer as you can risk damaging undisturbed parts of automatically protected sites.

Most heritage site categories can be encountered on cultivated land. You can often find multiple sites from different periods in the same place. A description

of some of the most common site types found on cultivated land and what you need to be particularly aware of can be found in the Appendix.

What to do when you find something that may be a protected object

If you have found something that may be a protected object, you should report the find to the local county authority or the Sami Parliament (for Sami artefacts). It is expected that you report the find by the first working day after the find is made, either by telephone or e-mail.

Do not clean the artefact, and do not brush off loose soil either. Important information about the artefact and the people who used it can be found in microscopic remains of, for example, textiles or pollen that are attached to the artefact.

It is important to note the location of the find. The Directorate for Cultural Heritage recommends that you always have a GPS with you when metal detecting, so that finds which are mandatory for handing in are assigned a location as accurately as possible. If you do not have GPS, you must mark the site in another way that makes it possible to find it again.

If you are unsure whether you are obliged to hand in an artefact, you should treat it as if you are to do so.

Handling of protected objects

When you report your find to the local county authority or Sami Parliament, it is important that you agree how to handle and store the find until it is handed in. It is also important that you agree a time for when the find is to be handed in, and to whom.

Handing in protected objects

The Directorate for Cultural Heritage has its own finds form that requires the necessary information regarding find location and other circumstances relating to the find. Completed forms are to be handed in together with the artefact to the county authority or Sami Parliament in the county where the artefact was found. Fill out one form for each artefact.

Can one continue to detect after finding a protected object?

If you find a loose find, you must consider whether the find can indicate that you are within a hitherto unknown automatically protected monument or site. As a metal detectorist, you must always be careful, and if you suspect, or ought to recognise, that you are within an unknown automatically protected site, you are not permitted to dig up more artefacts. If you nevertheless continue, your actions can be punished in line with the Cultural Heritage Act § 27.

Further finds within a limited area, and/or traces of charcoal, fire-cracked stones and/or burnt bones etc. would suggest that the finds relate to an automatically protected monument or site. Common monuments and site types in cultivated land include settlement sites and graves, but also traces of prehistoric agriculture, workshop areas or trading areas. There does not need to be visible structures at a location in order for, for example, a settlement site or trading site to be automatically protected. Often, the presence of artefacts alone can be enough to determine that an area is automatically protected. If you think that there may be more artefacts or sites in the area, you must consider whether you may have found a ploughed out burial site, settlement site or other automatically protected heritage site. If you suspect that you have detected an automatically protected monument or site, you should stop metal detecting immediately. If, following positive signals from the metal detector, you dig up a loose find, and continue to get positive signals at the same location, you may have found a larger collection of artefacts that belong together, such as a sacrifice or a burial. In such cases, you should not continue digging, but immediately report the find to the county authority or the Sami Parliament.

Can one obtain permission to use a metal detector within automatically protected sites in cultivated land?

If you wish to use a metal detector within known automatically protected monuments or sites on cultivated land, such

as settlement sites, ploughed out burial sites and so on, you can apply for permission as per § 8 of the Cultural Heritage Act. The application is to be sent to the appropriate county authority or the Sami Parliament. You can get help and guidance by contacting the county authority or Sami Parliament's archaeologists.

Finder's fee

The Cultural Heritage Act § 13 opens up for awarding the finder of loose finds a finder's fee. The Directorate for Cultural Heritage's guidelines for finder's fees clarifies this in more detail.

The Cultural Heritage Act's provisions pertaining to a finder's fee were made long before metal detecting was an issue. Finder's fees are less appropriate when finds are made following conscious searching than when they happen by chance. The setting and payment of finder's fees is nevertheless dependent on the finder having acted in accordance with the relevant laws and regulations, and in accordance with these guidelines. It is the Directorate for Cultural Heritage that determines the finder's fee.

The finder's fee shall in principle be shared equally between the finder and the landowner. Finder's fees are not paid out for finds discovered through participation in metal detecting events arranged by the regional museums or county authorities, or through metal detecting that is part of investigations undertaken in connection with the Cultural Heritage Act § 8.

APPENDIX

Automatically protected monuments and sites you can encounter in cultivated land

Traces of prehistoric settlement

Settlement sites or other traces of ancient settlement can leave numerous traces in the form of structures and/or artefacts. The duration of settlement is crucial in terms of determining the traces one can expect to find. A campground used for a short time, with tent-like structures or under the open sky, leaves completely different traces than a farm with permanent settlement across generations. Since the category of site-type includes everything from simple overnight accommodation to farms and town-like areas, the variation in artefacts is great. Artefacts from daily life can be signs of an old settlement. Some of the most common finds are burnt and cracked stones and charcoal from hearths used for cooking.

Old trading centres

Trade and the exchange of goods has gone on throughout history and prehistory. In some places, the activities have occurred in ways that have resulted in permanent structures, almost like villages, where trading has happened throughout the year. In other places, trading may have been seasonal or over a short period of time, almost like trade meetings, agricultural shows, or market days on a particular date each year. Some trading centres have had permanent buildings and settlement. In other places, one would have stayed in a tent or a boat. In many cases, there will not be visible signs on the surface. Such places are nevertheless automatically protected if they are from before 1537, or are Sami and more than 100 years old. Typical artefacts that can imply that the site is a trading centre are weights, coins or other forms of payment (e.g. silver or gold). Since many trading centres have also had regular settlement, it is not unusual to also find ordinary everyday items at a trading centre. If one

finds more artefacts typical of a trading centre, it is quite often the case that there is a large temporal difference between the oldest and youngest artefacts.

Graves and burial sites

Burial customs and funerary rituals have varied throughout time. In some periods, the deceased were buried, while in others they were cremated. In the case of cremations or fire burials, ashes and burnt bones could be collected in metal or ceramic urns. They could also be spread on or near the fire. Both whole bodies and urns could be buried, or placed on the surface in various types of mounds.

What the deceased has been buried with has also varied greatly, from no grave goods to particularly richly-furnished graves. Graves can be found on their own or as part of burial grounds of different sizes. Obvious traces of graves are the remains of the deceased, such as burn or unburnt bones. The most common traces you as a metal detectorist can come across are the remains of grave goods, such as personal jewellery and clothing details such as brooches, beads, fibulas and rings, or tools and weapons such as keys, utensils, swords, knives arrowheads, spears, axes, shields or lances.

The deceased could also be buried in or with a boat, or with domesticated animals such as horses. Boat rivets and equestrian equipment such as harnesses can thus also be indications of graves and grave finds.

If you find multiple artefacts together or within a limited area, there is an increased chance that you have found an automatically protected grave or burial site. Be aware of things other than artefacts: charcoal, collections of stones, or bone (burnt or unburnt) can indicate a grave. It is also obvious that many of the artefact types mentioned above can have been lost, and therefore not come from a grave. This, however, normally applies to

smaller artefacts, and seldom finds such as swords, shields or axes. Finds of multiple brooches or jewellery in the same place are also an indication that the artefacts may not have been lost by chance.

Workshop areas

Workshop areas and places of production leave a number of different traces. Iron production results in large amounts of ferrous waste, whilst finer metalworking using precious metals leaves completely different traces. Often, areas of jewellery-making are recognisable by their raw materials, crucibles, weights and tools. Burnt or sintered clay or ceramics can also indicate that metalworking has been going on at that location.

Churches and church sites

Many of today's churches stand on medieval church sites, and many of today's churchyards have been in use since the Middle Ages. Around 600 church sites are, however, abandoned or the church has moved to a new location. We do not have a complete overview of all the abandoned churches and churchyards, and many are not accurately mapped or delimited. All are, nevertheless, automatically protected.

Finds of human bones, coffin nails, coins and metal attachments can suggest that you have encountered a churchyard or church site from the Middle Ages.

Old thoroughfares/routes

Many thoroughfares and routes have been used more or less continuously for hundreds of years. Over time, people will have lost belongings along the way, both their possessions and items from their clothing. Where transport has been by horse, it is common to find horseshoes, horseshoe nails and parts of harnesses. Along thoroughfares there will also be places where people stop, either to spend the night or take a break, or to get out of the weather. At such places, there tends to be accumulations of artefacts, often from many different periods.