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**The Regulation of Metal Detectors and Responsible Metal-Detecting:
the Examples of the UK, Sweden and Denmark**

Seminar Paper

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Tartu 2010

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Introduction

Metal-detectorists are often present in archaeology in connection with looting and illicit trade of archaeological heritage. The estimated volume of illicit trade of antiquities is significant, globally varying between USD 150 million and USD 2 billion per annum. Although it is difficult to have a full overview and reliable data on the total volume of looting, the estimated figures clearly indicate that the illicit trade of antiquities is a very large-scale business, especially in Europe and North America. (Brodie et al. 2000, 23). Next to drug traffic, the looting and trade of antiquities are nowadays considered by the police and experts of cultural values the second biggest field of activity in international crime everywhere in the world (Renfrew & Bahn 2008, 567). The trade of antiquities may often function as a side-activity for the criminal groups dealing with drug traffic and money laundering (Brodie et al. 2000, 16).

The looting of major archaeological sites, the cynical attitude and the lack of respect to laws on behalf of many treasure-hunting metal-detectorists, and the enormous volume of illicit market are the factors contributing to the continuous opposition between the communities of archaeologists and metal-detectorists. However, one should bear in mind that the communities of metal-detectorists comprise very different people with different motives and “black archaeology” is not the only aspect one should look at when talking about metal-detectorism in archaeology. There are certainly many law-obedient detectorists. One should not forget that many objects of archaeological heritage have actually reached the hands of museums mainly thanks to the activities of metal-detectorists, thus contributing to the science of archaeology and respective public education.

The objective of this paper is to discuss the assumption that strict metal-detecting regulations alone do not entail better protection of archaeological heritage than the combination of lesser restrictions and reasonable mutual communication between detectorists and heritage protectors / archaeologists. This paper will seek to provide a brief comparison and map the metal-detecting regulations and situation with detectorism in the UK, Sweden and Denmark, addressing also the relevance of detectorists in the discovery of archaeological finds. The selection of countries consists of examples of different geographic locations and jurisdictions because: (i) the situations in these countries regarding metal-detectors vary, providing a good basis for comparative analysis; (ii) Denmark and Sweden represent the near-by markets where there is a lot of similar archaeological material to Estonia; (iii) in the UK there is the largest community of detectorists and a unique code of best practice¹ of responsible metal-detecting (hereafter the Code). The paper will explain what is considered responsible detecting and present some discussions regarding existing regulation and responsible detecting framework in the UK, including the downsides of the Code. Based on the information retrieved from some detectorist blogs, I will assess the relations between archaeologists and detectorists, suggesting that in a more restrictive environment, detectorists are drawn to seek cooperation with archaeologists in other countries.

1. History and Techniques of Metal-Detecting

“Detectorist” is a colloquial term used to describe a person who uses a metal detector (Evan-Hart & Stuckey 2007, 87). When it comes to how the detecting-devices became to exist, it was the English geologist and mining engineer R.W.Fox who first discovered the ability of electricity to flow through metallic ores and solid metal objects, and around 1830 devised a very simple metal locator consisting of only a battery, a few metal rods and a suitable length of wire. Around 1870 his device was modified so that a bell would mark the presence of metal objects. In 1879 professor D.E. Hughes introduced his Induction Balance (IB) which initially aimed at studying

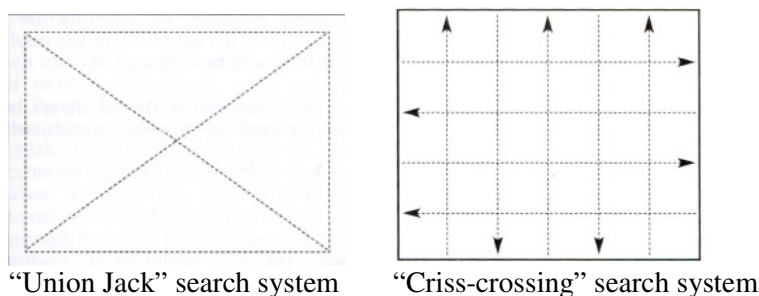
¹ There is an inter-institutionally agreed Code of Practice on Responsible Metal Detecting in England and Wales. Available at <http://www.finds.org.uk>.

the molecular structure of metals but was later found most suitable for locating metal objects. The IB was used for assaying metals and detecting forgeries. The IB was somewhat modified to locate metallic ores and treasure chests. Although later followed by different new types of detectors such as the ones with extended range, underwater spear-type, wireless techniques and so on, the IB forms the basis of most metal-detectors which are in use today. (Turner 2005-2007).

One of the first types of hobby metal-detectors available to general public in the UK in late 1960s was a BFO – a very basic Beat Frequency Oscillation model which increased the frequency of its ticking noise when an object was found. The British were followed by similar, yet somewhat more advanced models of BFOs established in the USA. In early 1970s, the next model that became available in the UK was a model which worked on the basis of IB/TR (Induction Balance / Transmit Receive). This model had much better depth and pinpointing than on earlier models. In mid 1970s, a new model of VLF/TR (Very Low Frequency / Transmit Receive) was introduced which allowed to differentiate between junk and wanted finds. Today, most detectors are “motion” type detectors, the development of which dates back to late 1970s and the beginning of 1980s. It means that such detector can overcome ground effect while distinguishing between junk and wanted finds at the same time by continuous and automatic auto-tuning. Also, on many occasions contemporary metal-detectors have computer technology incorporated into them which makes it possible to programme them with a number of variables. (Evan-Hart & Stuckey 2007, 8-12).

Metal-detectors discover metal most successfully to 30-60 cm below the surface (Clark 2008, 14). When it comes to the major technologies of metal-detecting, many detectorists consider the “Union Jack” system as the most effective method. This method means detecting a field from corner to corner both ways to create a letter “X” and then detecting outside the cross. The major idea of this method is finding “hotspots” and the method is ideal for the localized sites which contain finds limited to a small area. When the search area is productive, the detecting method is based on creating a more concrete search pattern, e.g. using some stones or specifically set elements as markers. Intensive searching (known as “criss-crossing”) which is effective for discovering a scattered hoard entails slowly sweeping the ground in straight lines and thereafter repeating the same from a 90 degree angle. (Evan-Hart & Stuckey 2007, 46-47).

Figure 1. Major technologies of detecting



Evan-Hart & Stuckey 2007, 46-47.

2. Metal-Detecting Regulations and Responsible Metal-Detecting

2.1. Regulation of Detecting-Devices

When it comes to the regulation of detecting-devices, Sweden has the most restrictive environment of the three countries of this study. In Sweden, the use of metal detectors is legally

prohibited (Lundén 2004, 216). The Act of 1988² initially prohibited metal-detecting in the counties of Gotland and Öland. Today, the prohibition to the use of search devices to detect metal objects in the surface has been extended to include all the Sweden (National Council for Metal Detecting 1998). According to the Act, metal-detectors may not be used, except for the use by the National Heritage Board, military use and public activities for the search of things other than ancient items. Also, even the carrying of a metal-detector is prohibited on ancient monuments and remains, except for the travelling on open public road. In any other case outside the exceptions provided by law, it takes a written permit from the County Archaeologist (*Länsantikvarien*) of a respective county to legally metal-detect in Sweden.³ However, on the islands of Gotland and Öland amateur detecting can never be legal (Rundkvist 29 May 2009). This means that there is a great variation in different counties in Sweden regarding the practice and willingness of granting the permit and probably the more stricter approach to amateur detectorists in certain regions can be explained by the greater consolidation of valuable archaeological heritage in these regions as well as the amount of damage that earlier cases of detectorism have caused to the sites. Nevertheless, the overall impression from some Scandinavian detectorist blogs⁴ is that it is generally very difficult to obtain a permit in most of the counties in Sweden, it takes a lot of lobbying and the issuers do not look at the detectorists with a friendly eye despite their motives.

In Denmark, the situation with the use of metal detectors varies, depending on the ownership and status of land. In many historical and archaeological sites the use of metal detectors is completely forbidden. On public land it is the municipality who decides whether detectors may be used. It is estimated that approximately 50% of the public land is closed to metal detecting. As private land is regarded, there are no restrictions apart from the landowner's permission. (National Council for Metal Detecting 1998). The impression from the blogs⁵ is that although there are certain restrictions in place in Denmark regarding the use of detecting-devices, it is possible to find reasonable sites to carry out lawful metal-detecting and there is much lesser prejudice towards detectorists (including foreign detectorists) in Denmark.

One must say that the UK is considered one of the most structured and disciplined countries of metal-detecting in the world. Metal-detecting is in principle legal in England, Wales and Scotland given that a detectorist (1) has the respective permission from the landowner and (2) he/she avoids scheduled monuments. There are some 18 000 protected sites in England but possibly 90% of known sites are not scheduled. Detector users find some 92% of finds which qualify as treasure and more than 2/3 of regular finds recorded with the Portable Antiquities Scheme. (Bland 2009). The use of metal detectors on a scheduled ancient monument requires a license and carries a penalty of imprisonment or fine. If the land is not a scheduled monument, detecting is generally allowed. Yet, there are a few schemes in places for receiving additional consents for detecting from certain bodies. For example, according to the Countryside Stewardship Scheme metal-detecting is allowed, providing the detectorists have a written consent from DEFRA⁶ and they comply with the codes of conduct of the NCMD or FID (Clark 2008, 17). When taking an additional brief look at the region of Northern Ireland, the rules with regard to the search of archaeological objects are not the same as in England. The excavation for the purpose of searching generally for archaeological objects (whether or not it involves the removal of the

² Lag (1988:950) om kulturminnen. 30 June 1988, Svensk författningssamling (SFS) 1988:950; 2007:1097 (hereinafter "Heritage Conservation Act").

³ Heritage Conservation Act, Chapter 2, Art. 18-20.

⁴ I have examined the postings at http://scienceblogs.com/aardvarchaeology/2009/05/how_to_metal_detect_legally_in.php and http://scienceblogs.com/aardvarchaeology/2009/03/danish_metal_detector_festival.php

⁵ I have examined the postings at http://scienceblogs.com/aardvarchaeology/2009/05/how_to_metal_detect_legally_in.php and http://scienceblogs.com/aardvarchaeology/2009/03/danish_metal_detector_festival.php

⁶ DEFRA (the Department for Environment, Food and Rural Affairs) is the government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities in the UK.

surface of land) without a license in any land is not allowed and it would result in a fine. Also, the use of a metal detector in a protected place without a written permission would result in a fine.⁷

To conclude, the UK has the most liberal legal framework in comparison to Sweden which has the most restrictive detecting policy and Denmark which has variations in permitting metal-detecting. The regulation in the UK is supplemented by some additional voluntary means which will be addressed in the following part.

2.2. Regulation of the Reporting and Recording of Finds

Rules regulating the use of metal-detectors, as discussed earlier, form only part of detecting regulation. The other part consists of the recording and reporting of archaeological finds which have been discovered whilst metal-detecting. When it comes to the recording of metal-detected finds in Sweden, the seeking of permission for metal-detecting normally includes a declaration of intent to show all the finds to a respective county museum and to seek the permission from the landowner/tenant before the start of metal-detecting. The general practice is that a find spot becomes a recognized archaeological site as soon as a detectorist acting under the permission reports the find to the museum. This means that the detectorist may not be granted a continuous permission for metal-detecting in that particular field because most County Archaeologists would not allow any detecting activities on recognized archaeological sites. (Rundkvist 29 May 2009).

Reporting of finds is also something that has to be done in Denmark, depending to certain degree on a find. Any coins minted after the monetary reform in the 19th century can be retained by the finder but otherwise all coins and artefacts must be delivered to the National Museum. Normally a finder is granted a finding fee and it is very rare that the finder is allowed to keep the find (National Council for Metal Detecting 1998). The opinions in Scandinavian detectorist blogs⁸ indicate that finders tend to submit plans and GPS-fix together with finds. Some detectorists in Denmark send find reports to the museum together with finds.

In the UK, the hobby of metal detecting has found gradual recognition since the adoption of the Treasure Act in 1996 and the Portable Antiquities Scheme (PAS) in 1997. The definitions of treasure can be obtained from the Treasure Act and its associated Code of Practice. The Act relates to finds made in England, Wales and Northern Ireland. The Act only applies to objects found since September 1997 and it covers: (i) all artefacts, other than coins, at least 300 years old with at least 10% of gold or silver; (ii) coins of gold and silver from the same find provided that they are at least 300 years old when discovered (if they have less than 10% of gold or silver, there must be at least 10 of them) and (iii) prehistoric metal assemblages (the primary source of which is Bronze Age hoards). All the above objects and assemblies of objects are captured in the definition of a “treasure”. If a find qualifies as a treasure, it is considered a “required find” which needs to be reported to the PAS. Such find belongs to the state and the finder is entitled to a fee (reward) if a museum decides to acquire the find. Non-reporting of treasure is an offence. (Bland 2008, 64). The Treasure Act 1996 is applicable in Northern Ireland too but as explained earlier, the search of archaeological objects and the use of metal-detectors require permission. The found archaeological objects must be reported to authorities within 14 days.⁹

A complimentary measure to the Treasure Act 1996 is the PAS which concerns the voluntary recording of archaeological finds discovered by members of general public. This means that recording is suggested with regard to any finds, independent of whether they qualify as treasure

⁷ Historic Monuments and Archaeological Object (Northern Ireland) Order 1995. 29 June 1995, Statutory Instrument 1995 No. 1625 (N.I. 9), Art 29, 30 and 41 (1).

⁸ I have examined the postings at http://scienceblogs.com/aardvarchaeology/2009/05/how_to_metal_detect_legally_in.php and http://scienceblogs.com/aardvarchaeology/2009/03/danish_metal_detector_festival.php

⁹ Historic Monuments and Archaeological Object (Northern Ireland) Order 1995. 29 June 1995, Statutory Instrument 1995 No. 1625 (N.I. 9), Art 42 (1).

or not. Under the scheme there are local Finds Liaison Officers whom people can contact to have the finds recorded. Today this cooperation works well and most metal detecting clubs are fully involved with the PAS. It is a unique initiative, without a parallel anywhere in Europe, which certainly adds collective knowledge of the past through the public involvement: it has established a mechanism to promote the interest through the recording of finds made by the public and the publishing of the results for all to see. (Bland 2008, 80). Thus different from Sweden and Denmark, the system of providing information about finds in the UK generally comprises 2 parts: (i) required reporting of finds in case of finds qualifying as treasure and (ii) voluntary reporting of PAS-finds (i.e. any other finds).

According to the PAS: “*Responsible metal-detecting is one way in which people of all ages engage with the past*”. Documented hobby-detecting is considered responsible because of understanding the need for recording and willingness to cooperate with authorities regarding the recording of finds. (Clark 2008, 23). Thus, the obtaining of necessary permissions, voluntary recording and reporting of finds are the key components to the practice of responsible metal-detecting as opposed to “black archaeology” or nighthawking. One can also highlight the need for having funds to take care of finds (conservation, etc) before delivering them to the museum as a pre-condition for “responsible” detectorism.

The Code of Practice on Responsible Metal Detecting in England and Wales has been agreed with the key umbrella organizations for metal detectorists. The thinking behind the Code is that education and self-regulation provide the best prospect of progress (Bland 2008, 70). The Code is a voluntary document and it focuses on basic legal requirements and suggestions regarding the recording and reporting of finds. However, I find that there are a few negative aspects of the Code which make one question about its function as the stimulator of responsible metal-detecting. First, it does not cover the strategies for sampling and recording which are normally part of mandatory practice in ordinary archaeology. Secondly, it sets priority to the artefact as such whereby promoting an antiquarian approach instead of archaeological context.

Table 1. Metal-detecting regulations in the UK, Sweden and Denmark

| Country | | Use of Detecting Device | Permission | Reporting of Finds | Recording of Finds |
|---------|------------------|-------------------------------------|---|-------------------------|--------------------|
| The UK | England | Allowed, except in a scheduled site | Owner's permission. State permission for a scheduled site | Required if a treasure | Voluntary |
| | Wales | Allowed, except in a scheduled site | Owner's permission. State permission for a scheduled site | Required if a treasure | Voluntary |
| | Scotland | Allowed, except in a scheduled site | Owner's permission. State permission for a scheduled site | Required for any find | NA |
| | Northern Ireland | Permission required for any land | Owner's permission and state permission required | Required for any find | NA |
| Sweden | | Permission required for any land | Owner's permission and state permission required | Required for any find | NA |
| Denmark | | Permission for certain sites | Owner's permission and state permission, where necessary | Required for most finds | NA |

Different from other areas of the UK, the rules with regard to recording in Scotland are somewhat different because in Scotland all finds are potentially the property of state and need to be reported as Treasure Trove (British Archaeological Jobs Resource 2007, 3). According to Bland¹⁰, the comparison between the voluntary PAS-reporting in England and Wales in terms its efficiency in getting more finds reported as opposed to the all-encompassing mandatory reporting of finds in

¹⁰ In his paper, Roger Bland from the British Museum explains the legal framework of antiquities reporting in the UK and, among others, addresses the comparative aspects of the voluntary PAS-reporting in the UK and mandatory finds reporting in Scotland. See Bland, R. 2008. The Development and Future of the Treasure Act and Portable Antiquities Scheme. – Metal Detecting and Archaeology. Eds. S.Thomas & P.G. Stone, Boydell Press, 63-85.

Scotland suggests that it is unlikely that the requirement to report finds on its own would lead to an increased reporting rate. PAS-scheme would become more efficient only through better education of general public. (Bland 2008, 79-80).

In the UK one of the crucial aspects is seeking permission from the landowner before the start of metal-detecting. This is actually an aspect of big importance in all the examined three countries but its significance in the UK is also reflected in the sharing of finds. Concerning potential finds, the detectorists are suggested to give the landowner first choice of anything they find given that the find does not qualify as treasure. In case of valuable things, the usual sharing proportions are 50/50. It is advisable to draft a find sharing agreement with the landowner (Evan-Hart & Stuckey 2007, 30). I suggest that the latter reflects the strong legal focus on ownership and protection of owner's basic rights deriving from a common law legal tradition.

Additionally, similar to the cases of Denmark and Sweden, the reporting of find spots is a crucial issue in the UK because on one hand there may be landowner's resistance to reporting the spot and on the other hand, reporting has on some occasions led to the future refusals to detect on the land (Clark 2008, 17). From the perspective of archaeologists, however, it is important to have detailed information about a find spot in order to know more about archaeology of a particular place.

3. Contribution of Metal-Detectorists to the Discovery of Archaeological Heritage

Metal detecting is a popular field of activity. There are quite numerous communities of metal-detecting clubs and hobby archaeologists in most of the countries in Europe. To explain the contribution of metal-detectorists to the discovery of archaeological finds and the cooperation through responsible detecting, let us first look at the detecting situation in the UK which has the most liberal legal framework of the three examined countries and the biggest community of metal-detectorists. In 2006, there were 173 metal-detecting clubs with more than 5800 members altogether in the UK. Out of those clubs 165 kept regular contact with authorities.¹¹ The number of detectorists has somewhat increased during the last years and today the PAS is aware of 186 metal-detecting clubs in the UK. It is difficult to know the exact number of people involved in detecting in the UK but both the clubs and the PAS estimate that there are around 8 000 – 10 000 people actively participating at hobby-detecting. (Clark 2008, 15). When drawing a brief parallel to the situation in Estonia, M. Kiudsoo suggests that there are probably some couple of hundred treasure hunting metal-detectorists in Estonia (Kiudsoo 2008, 14-15). However, in addition to treasure hunters there is certainly a considerable number of active “hobby detectorists“ who search objects not for monetary reasons but because of high personal enthusiasm and excitement. On the basis of the research which was carried out among detectorists, N. Kangert suggests that there are some 500-1000 people practicing detectorism in Estonia (Kangert 2009, 18).

In the UK there are umbrella institutions for metal-detectorists such as the Federation of Independent Detectorists (FID)¹² and National Council for Metal Detecting (NCMD)¹³. Membership of detectorists in these organizations brings better information sharing and also comes with some practical advantages such as organized insurance cover against claims with regard to accidental property damage and ensuing legal costs (Evan-Hart & Stuckey 2007, 85).

¹¹ The UK data are based on the latest available reports of Portable Antiquities Scheme and exclude metal-detecting groups such as the Weekend Wanderers (1200 members) which organize outings for detectorists who are both members of other clubs and independents. It should also be noted that some detectorists are members of more than one club or not members of a club at all. See Portable Antiquities Scheme, available at <http://www.finds.org.uk>.

¹² The FID is a metal-detecting organization which helps exchange information and provides insurance to its members. The FID is open to responsible detectorists.

¹³ The NCMD was established in 1981 as a representative body of elected volunteers to give responsible metal-detectorists a democratic forum to discuss the hobby and provide a recognized voice to counter criticism towards metal-detecting.

Metal-detecting is often perceived as treasure hunting (or “black archaeology”) and on many occasions this perception indeed reflects the reality. Even in the UK a fair amount of archaeological heritage is damaged by clandestine metal-detecting – nighthawking, despite the responsible metal-detecting efforts in place. Night-hawking can be defined as the search and removal of antiquities from the ground using metal detectors without the consent of the landowner or where the practice is prohibited. This means that in addition to damaging archaeology, such illicit detectorists by association also damage the reputation of responsible detectorists. (Clark 2008, 18). The results of the survey of 2006-2008 commissioned by English Heritage to find out the extent of illicit detecting indicate that thieves called nighthawks illegally raid protected sites. Some 240 incidents were reported. Every 20 archaeological excavation sites are targeted by thieves and only 1 in 7 seven landowners informed the authorities about the discovery of illicit detecting. More than 1/3 of sites attacked by illicit detecting were scheduled monuments. Although the stolen items sold via E-Bay are usually worth very little, these raids inevitably destroy the valuable historic context. (Oxford Heritage 2009, 36-40, 52). According to the report, the crime of nighthawking has been generally under-reported and low-priority crime in the UK with only 26 cases having resulted in legal action (mostly in the form of a small fine of some £ 80 and no confiscation of metal detector). (Archaeo News 2009). However, since the last survey in 1995 the degree of damage to monuments has decreased by half. This allows concluding that the problem of nighthawking has somewhat decreased and it is possible that strong local responsible detecting communities have played the role of a watchdog to prevent illicit detecting. (Clark 2008, 18).

When it comes to the importance of detectorists in finding archaeological items, the situation in many countries is that official archaeological excavations provide only a minor share of all discoveries and it is actually metal-detecting which plays an important part in finding artefacts. Thus, next to addressing metal-detectorists mainly in relation to nighthawking and seeing their role as treasure hunters who tend to destroy archaeological heritage, there is also a need to understand that metal-detecting activity, if carried out properly, can actually contribute to archaeological heritage. In the UK, metal-detectorists have contributed much to the discovery of artefacts: according to the PAS, about 2/3 of the finds reported to them are normally discovered by metal-detectorists. (Clark 2008, 27). For example, in 2008 some 6870 finders offered finds for recording and 4328 of them were metal-detector users (Bland 2009).

The examples of the finds of hobby detectorists range from the unique coins to an example of Roman cube matrix. When it comes to detectorists’ finds in the UK from different historic periods, it is often that they find Celtic coins while Celtic artefacts are far more rare and one of the presumable reasons is that the artefacts were probably buried at levels too deep for detecting or thrown into rivers and lakes, making them difficult to retrieve. Roman period is probably the period which offers the widest diversity of metal detecting finds, the most common of which are generally the low-value bronze coins. Other types of Roman coins found quite frequently by detectorists are silver pieces (*denarii*). When it comes to Saxon finds, these are usually rather scarce for most metal detectorists although the detectorists have contributed to the finding of several large cemeteries. As regards the medieval finds, coins tend to be the most common detector-finds from this period. (Evan-Hart & Stuckey 2007, 48-61).

As mentioned earlier, some 92% of finds recorded as treasure in the UK are found by detector-users. Among other finds, a number of coin hoards have been recorded under the Treasure Act. One of the most important hoards of recent years was found in West Sussex (Patching) in 1997. The find consisted of 23 gold *solidi*, 27 silver coins, 2 gold rings and 54 pieces of silver scrap. This hoard is particularly important because it moved the latest hoard of Roman coins found from Britain forward by around 40 years – from AD 420 to AD 460 – and therefore completely

changed the previously held opinion that Roman coins ceased to enter Britain after the reign of Constantine III. (Bland 2008, 66-67).

The cases of Cumwhitton (Cumbria) and Lewes (East Sussex) serve as examples of responsible metal-detecting and the cooperation between archaeologists, metal-detectorists and local community. In the former case, a metal-detectorist first found a 10th century brooch which he reported to the PAS. The following small-scale excavation found a grave after which full excavation works were funded by English Heritage. The contribution of metal-detectorists in this stage was related to the contextualization of finds. The site was dated and interpreted as a rare Viking-Age cemetery with 6 graves from mid-10th century. The finds were donated to a local museum. The case of Lewes also started with metal-detectorists' discovery of a 6th century Anglo-Saxon cemetery. The first finds including a skull fragment were reported to the police and the PAS. Thereafter the work continued together with the detectorists who scanned the rest of the field and archaeologists excavated 3 graves – probably a high-status family group. English Heritage conserved the finds and they are expected to be displayed in a local museum. (Sloane 2009).

The above cases show that cooperation between archaeologists and metal-detectorists is possible and can function very well when detectorists obey the law and archaeologists do not have prejudice towards detector-users. Evan-Hart and Stuckey claim that in the UK, the hobby of metal-detectorsim has become more widely accepted by the community of archaeologists and heritage protectors over recent years. It is expressed in many detectorists reporting their finds to authorities, contributing to the establishing of good working relationships and resulting in archaeologists often soliciting the expertise of detectorists during excavations to locate and retrieve finds. Moreover, Evan-Hart and Stuckey suggest that with tighter financing sources and more limited financing for excavations, archaeologists have become more dependent on the information provided by metal detectorists. Thus, the sharing of experience and understanding the work of archaeologists by metal detectorists together with actual cooperation in discovering and retrieving finds seem to form a key to better protection of archaeological heritage. (Evan-Hart & Stuckey 2007, 67-68). For doing so, the Code of Practice on Responsible Metal Detecting in England and Wales has been established. Although it is in the form of suggested broad guidelines, it certainly marks a clear will from both sides to contribute to the protection of archaeological heritage.

Contrary to the UK, there are no codes of responsible detecting practice in place either in Sweden or in Denmark. We have seen that detecting is generally prohibited in Sweden. Swedish system is clearly stricter than the system in Denmark and based on the discussion in some Scandinavian detectorist blogs¹⁴ one can say that there is quite a discrepancy between different counties of Sweden when granting the licenses for metal-detecting. The information exchange in the blogs reveals that the strict rules in Sweden together with very defensive attitude on behalf of archaeologists have very negative outcome in terms of relations between the two communities. Respectively, one can conclude that with the relations being far from good, the chances for the contribution of metal-detectorists to the discovery of archaeological heritage and the cooperation in the form of responsible detecting would be rather poor in Sweden.

In Denmark, on the other hand, archaeologists better recognize the advantages of cooperation with metal-detectorist communities (National Council for Metal Detecting 1998) and Denmark is said to have an excellent system in place to govern responsible and constructive hobby-detecting. In comparison to Sweden where there are very restrictive rules in place and the extent of cooperation with metal-detectors varies in different counties, Danes express their willingness of

¹⁴ I have examined the postings at http://scienceblogs.com/aardvarchaeology/2009/05/how_to_metal_detect_legally_in.php and http://scienceblogs.com/aardvarchaeology/2009/03/danish_metal_detector_festival.php

cooperation through metal-detecting festivals which are meant both for skilled amateur detectorists and professional archaeologists. In relation to Denmark, one of the effects of Swedish strict policy is said to be that Swedish detectorists tend to assist Danish archaeologists instead of their own countrymen because the general image of metal-detectorists among Swedish archaeologists is not very good. (Rundkvist 24 March 2009). Thus, the system in Denmark is mostly considered reasonable by detectorists and would allow much better contributing to the discovery of archaeological heritage.

Bland suggests that in the UK cultivated land accounts for 90% of all finds which reflects the fact that a great quantity of archaeological objects found by detectorists come from the land where in most cases the immediate archaeological context has already been destroyed by ploughing and where the objects are lying in the topsoil where they are vulnerable to further damage by ploughing. (Bland 2008, 72-73). Thus, one would assume that already this fact would allow us call the activities of detectorists somewhat “responsible” because they save the heritage which would otherwise become lost. Yet, there are also contradicting opinions about whether the legal metal-detectorists acting on the basis of responsible permissions actually are responsible. In its open letter to the Guardian in the beginning of 2009 (Heritage Action 2009), Heritage Action claims that only minority of legal so-called “responsible” detectorists actually report what they find to the PAS and therefore they are responsible for destroying historical data and can not be described as “responsible”. Also, the Heritage Action finds that there is a further reason why the situation with hobby detectorists in the UK can not be seen as responsible detecting. Most of detecting is assumed to take place on ploughsoil which is claimed to be contextless. Quite the reverse, however, hobby detectorists are keen on seeking out more “productive” sites to maximize their find rates. These are the non-scheduled sites – not protected but with contexts and artefacts which can be damaged by removal without reporting. Thus, the Heritage Action suggests that the future night-hawking reports should be given a much broader scope to investigate the scale of damage also outside of the activity of night-hawking (i.e. to include the impact of legal metal-detectorists). (Heritage Action 2009).

There is no doubt that some detector-users tend to aim at more “productive” sites. However, I find that the activity of metal-detecting, when carried out lawfully, should in general be seen as opposed to looting. The detecting in responsible manner would create new knowledge and on some occasions help rescuing the heritage that no-one would otherwise see because many of the sites would never go through full-scale excavations. I certainly favor responsible licensing and detecting instead of no finds at all. However, I also agree that the practice of responsible detecting should be improved in cooperation with the community of archaeologists. It first and foremost concerns the sampling and recording normally used in the method of archaeology. This would also serve as a starting point from changing the artifact-focused approach to a more archaeological one, putting more focus on the archaeological context.

Conclusion

Sweden has the most restrictive policy with regard to the use of metal-detecting devices: the use of metal detectors is legally prohibited and any metal-detecting action requires a written permit from the County Archaeologist. The practice of granting the permission is very different in different counties and more restrictive policies in some regions can be explained by greater consolidation of archaeological material and earlier damage by detectorists thereof. In Denmark the use of metal detectors depends on the ownership and status of land. For example, on public land it is the municipality who decides the use of detectors while in private land the only requirement is the landowner’s permission. The UK has the most flexible legal framework in place: metal-detecting is in principle legal in England, Wales and Scotland given that there is permission from the landowner and detectorsim does not take place on scheduled monuments.

The use of metal detectors on a scheduled monument requires a license. In the region of Northern Ireland, the rules with regard to the search of archaeological material differ from those in England. Any search and the use of a metal detector in a protected place require permission.

Detecting regulation also comprises rules regarding the recording and reporting of archaeological finds which have been discovered whilst metal-detecting. In Sweden, finds are to be shown to a respective county museum based on the declaration of intent which is done when applying for the detecting permission. Reporting of finds is also required in Denmark, depending to certain degree on a find. In the UK, the reporting is based on the definition of “treasure” which is stipulated in Treasure Act 1996. A find which is a treasure belongs to the state and needs to be reported to the PAS. The Treasure Act 1996 is also applicable in Northern Ireland; yet all the found archaeological objects must be reported to authorities within 14 days. PAS is a complimentary measure to the Treasure Act and its scope of application is the voluntary recording of any archaeological finds discovered by general public. This is not an obligation but a suggested practice which is today followed by many metal detecting clubs. Thus, different from Sweden and Denmark, the reporting system in the UK, except for Scotland, has 2 components: required reporting of a treasure and voluntary reporting of PAS-finds. In Scotland all finds are potentially the property of state and need to be reported as Treasure Trove.

As an additional voluntary measure, the UK has the Code of Practice on Responsible Metal-Detecting agreed with the key metal-detectorist organizations. The Code aims at education and self-regulation as the best means of responsible detecting activities. According to the practice in the UK, responsible metal-detecting is such search of archaeological items which entails the obtaining of necessary permissions, voluntary recording and reporting of finds.

In many countries it is actually metal-detecting which plays an important part in finding artefacts and therefore metal-detecting should be seen in the context of contributing to the discovery of archaeological heritage instead of perceiving the activity solely as looting. For example, metal-detectorists normally discover about 2/3 of the PAS-finds. The evidence from the UK indicates that cooperation between archaeologists and metal-detectorists can function very well when regulation is followed and there is no prejudice towards the detector-users. Contrary to the UK, there are no codes of responsible detecting practice in Sweden or in Denmark. The strict rules in Sweden together with very defensive attitude on behalf of local archaeologists have negative effect on the relations between the communities of archaeologists and detector-users. Respectively, the Swedish system provides for lesser contribution of metal-detectorists to the responsible discovery of archaeological heritage in comparison to the more cooperative framework in the UK. In Denmark, on the other hand, the system seems to better capture responsible and constructive hobby-detecting. One of the effects of Swedish strict policy on Denmark is that Swedish detectorists tend to assist Danish archaeologists instead of their own countrymen. Thus, the system in Denmark would allow better contributing to the discovery of archaeological heritage.

I believe that lawful and responsible metal-detecting helps creating new knowledge because there are many sites which would never go through full-scale excavations and the heritage would otherwise be lost. Therefore responsible detecting deserves favorable attitude on behalf of archaeologists. However, I also believe that there should be more cooperation with the community of archaeologists, especially with regard to the use of sampling and recording techniques. This would help changing the antiquarian focus into more context-oriented activity.

References

- Archaeo News. Nighthawks raid Britain's archaeological heritage. 22 February 2009. Available at <http://www.stonepages.com/news/archives/003180.htm>.
- **Bland, R.** The English and Welsh approach to portable antiquities: a perfect system or fundamentally flawed? Presentation from the conference "Recording the Past: How Different European Countries Deal with Portable Antiquities", 7 September 2009.
- **Bland, R.** 2008. The Development and Future of the Treasure Act and Portable Antiquities Scheme. – Metal Detecting and Archaeology. Eds. S.Thomas & P.G. Stone, Boydell Press, 63-85.
- British Archaeological Jobs Resource. Short Guide to Field Survey, Field Walking and Detecting Survey. October 2007.
- **Brodie, N., Doole, J. & Watson, P.** 2000. Stealing History: the Illicit Trade in Cultural Material. McDonalds Institute for Archaeological Research, Cambridge.
- **Clark, K.** 2008. A Review of the Portable Antiquities Scheme. Available at <http://www.ncmd.co.uk/docs/pas%20review%20sept%2008.pdf>
- Code of Practice on Responsible Metal Detecting in England and Wales. Available at <http://www.ncmd.co.uk/docs/CofP1.pdf>
- **Evan-Hart, J. & Stuckey, D.** 2007. Beginner's Guide to Metal Detecting. Greenlight Publishing, Essex.
- Heritage Action. Nighthawking: much ado about the wrong thing. An open letter from Heritage Action to Maeve Kennedy of the Guardian. Heritage Journal, 21.02.2009. Available at <http://www.heritageaction.org/?page=theheritagejournal>
- Historic Monuments and Archaeological Object (Northern Ireland) Order 1995. 29 June 1995, Statutory Instrument 1995 No. 1625 (N.I. 9).
- **Kangert, N.** 2009. Metallidetektorid ja arheoloogiapärandi kaitse Eestis: arengud ja hetkeseis. Tartu Ülikooli ajaloo ja arheoloogia instituut, Tartu.
- **Kiudsoo, M.** 2008. Huaröövlid ja aardekütid. – Sirp, 9, 14-15.
- Lag (1988:950) om kulturminnen. 30 June 1988, Svensk författningssamling (SFS) 1988:950; 2007:1097
- **Lundén, S.** 2004. The scholar and the market. Swedish scholarly contribution to the destruction of the world's archaeological heritage. – Swedish Archaeologists on Ethics. Ed. H. Karlsson. Bricoleur Press, Lindome, 197-247.
- National Council for Metal Detecting. 1998. The Law Regarding Metal Detecting outside the United Kingdom (including Jersey). Available at <http://www.ncmd.co.uk/law.htm>.
- Oxford Heritage. The Nighthawking Survey. Nighthawks and nighthawking: Damage to Archaeological Sites in the UK & Crown Dependencies caused by Illegal Searching & Removal of Antiquities. Strategic Study Final Report, 17 April 2009. Available at <http://www.helm.org.uk/nighthawking>.
- **Renfrew, C. & Bahn, P.** 2008. Archaeology: Theories, Methods and Practice. Thames & Hudson, London.
- **Rundkvist, M.** Danish Metal Detector Festival. 24 March 2009. Available at http://scienceblogs.com/aardvarchaeology/2009/03/danish_metal_detector_festival.php
- **Rundkvist, M.** How to Metal Detect Legally in Sweden. 29 May 2009. Available at http://scienceblogs.com/aardvarchaeology/2009/05/how_to_metal_detect_legally_in.php.
- **Sloane, B.** The Nighthawking Survey. Presentation from Black Archaeology Conference, 11-12 March 2009.
- **Turner, D.** 2005-2007. History of Treasure & Gold Detectors. Available at http://www.nqminersden.com/metal_detector_history.htm.

