Metal Detecting In Scotland

September 2024

1. Summary

This guidance is for new and experienced metal detectorists, landowners, occupiers and managers of land containing archaeological sites. It provides clear guidance on obligations metal detectorists have when metal detecting in Scotland and details the legal requirement to declare all finds to Treasure Trove. It sets out the protection afforded to scheduled monuments and restriction on the use of metal detectors, including some geophysical equipment, in protected places.

Many people own and use metal detectors in Scotland – as individuals, as members of clubs, or as participants in archaeological projects. Responsible metal detectorists have an important part to play in researching our past. They can help identify previously unknown archaeological sites and locate historic finds.

Archaeological remains of any kind are an important and finite resource. Poorly planned metal detecting can put this resource at risk. Digging or disturbance of archaeological sites, and the removal of objects and finds, can result in permanent loss and damage to often fragile sites. This affects our ability to understand our past and diminishes archaeology's contribution to Scotland's national story.

Some archaeological sites are protected by law and you cannot metal detect on them – it is a criminal offence to do so. Metal detectorists also have a legal obligation in relation to the objects they find. All objects must be reported to the Treasure Trove Unit and must not be taken out of Scotland without their permission.

2. What is metal detecting?

Most people associate metal detecting with the hobby in which electronic instruments are used to search for objects containing metals in the ground. These instruments contain sensor probes which produce an electric current passed through a coil, emitting a magnetic field. If a piece of electrically conductive metal is close to the coil, the current produced by the metal detector can cause the metal to develop a magnetic field which can be measured, allowing the object to be located.

Metal detectors can detect ferrous (iron-based) and non-ferrous metals, magnetic minerals, and buried electrical cables. Depending on the object and the instrument, a metal detector can detect metal objects up to a depth of around half a metre.

In Scotland, metals have been used as a raw material since the Bronze Age (approximately 2500 BC to 750 BC). A wide variety of objects are capable of being discovered using a metal detector from a relatively long period of human history, spanning the Bronze Age, Iron Age, historical periods, through to the present day.

Metal detectorists have an important part to play in researching our past. Many important discoveries have been made through metal detecting.

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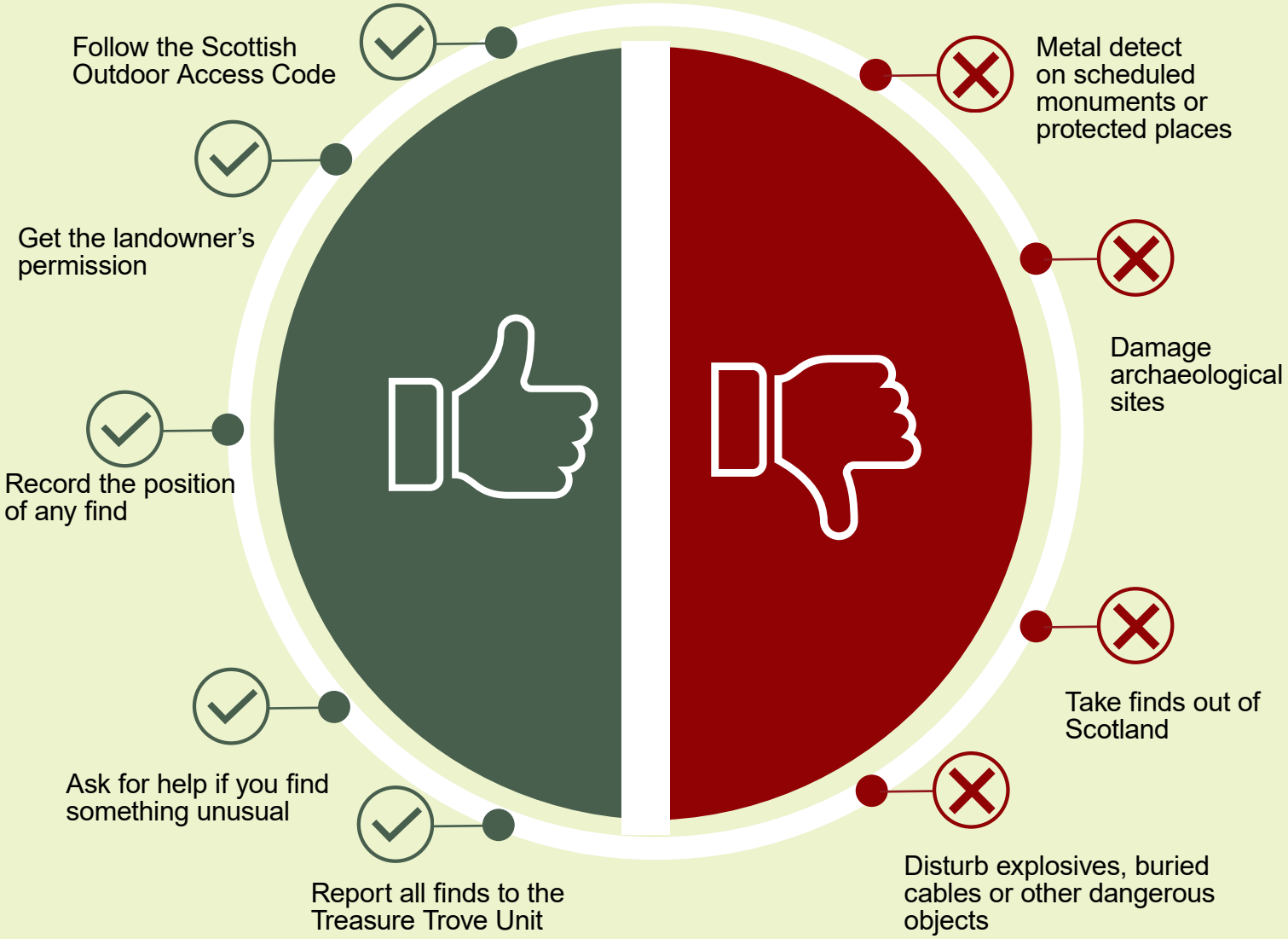
3. Metal detecting in Scotland -A quick guide

The laws in Scotland in relation to metal detecting are different from elsewhere in the United Kingdom. If you are metal detecting in Scotland, you must follow some simple rules to make sure you do not commit a crime. These rules are explained in more detail in the following sections.

Do

Don't



4. Access to land to metal detect in Scotland

The Scottish Outdoor Access Code

In Scotland, you can go on to most land to enjoy the outdoors – as long as you behave responsibly. This is known as Scottish access rights. When you are enjoying the outdoors, you must follow the Scottish Outdoor Access Code:

- Respect the interests of other people
- Care for the environment
- Take responsibility for your own actions

Scottish access rights apply to hills and moors, forests and woods, beaches and the coast, rivers and lochs, parks and some types of farmland. There are also some common-sense exceptions, including houses and gardens, other buildings and their yards or compounds, school grounds and places which charge for entry. Access rights include things like walking, cycling, climbing, horse-riding, kayaking, swimming and watching wildlife,.

You should follow the Scottish Outdoor Access Code on your journey to your chosen place to metal detect. The Scottish Outdoor Access Code Practical Guide for all contains practical information to help you decide what to do in everyday situations in Scotland's great outdoors, including on farmland and nature reserves.

Land Ownership

You must ask a landowner's permission before you metal detect on their land. Some organisations and landowners are happy for metal detectorists to work on their land. Others have a strict policy of no metal detecting.

Beaches
Beaches are a popular area for metal detecting. Around half of Scotland's foreshore (the beach area between high and low tide) is managed by Crown Estate Scotland. They do not require you to seek permission before metal detecting on land they manage. Other beaches are in private or public ownership and you must seek landowner permission before metal detecting.

Forests and Farm Land
Forests may be in private or public ownership. Forest and Land Scotland manage Scotland's National Forest Estate. They do not allow metal detecting unless it is part of an archaeological project. Farm land is normally in private ownership. You must seek the landowner's permission.

Public Parks
Public parks are normally owned by local authorities and may also have landscape/ natural heritage protections. Most do not allow metal detecting within public parks. You should check with them for guidance.

Rivers and Canals
Rivers and canals also have owners and you must seek landowner permission in the same way as you do on land. Ownership of riverbeds are normally shared by adjacent landowners. Tidal rivers may be managed by Crown Estate Scotland. The majority of Scotland's canal network is protected as a scheduled monument, and managed by Scottish Canals. You must not metal detect on these canals without metal and mineral detecting consent (See section 8).

Magnet fishing in canals and riverbeds has become more popular in recent years. Magnet fishing on protected canals and waterways requires a different type of consent, called scheduled monument consent. You can read more about this here.

Protected species and sensitive sites

Some species and sensitive nature sites are protected by law. They are carefully managed for conservation and to safeguard rare animals and plants.

You must take special care if you come across any of our protected species. It is against the law to disturb certain animals, or damage the places that they use. Some plants can also be easily damaged.

You can find out more about the locatoin of Scotland's protected areas on NatureScot's SiteLink website. Each site has specific protection and you must follow the law and local guidance when passing through or planning activity in these areas.

5. Staying Safe

Metal detecting can sometimes lead to unexpected and dangerous finds. This can include unexploded ordnance, cables, and pipelines.

Unexploded ordnance from the First and Second World War are sometimes found in our countryside and cities, and along our coastlines. If you find an object you suspect may be an ordnance, you should **STOP** digging immediately. Walk away and ensure anyone in the vicinity leaves the area. Mobile phones must not be used near any recovered munitions. From a safe distance contact Police Scotland via 999 requesting assistance and describe what you have found.

On the shoreline, be aware of subsea cables coming on to land. Look for signs of these before you begin your metal detecting. This may include warning signs, or areas where overhead cables stop near to the sea. You may also encounter buried cables on land. The Health and Safety Executive has published a free leaflet on avoiding danger from underground services.

6. Metal detecting near archaeological or historic sites

Metal detecting can affect the historic environment. Scotland's historic environment is a national asset and a vital and finite resource. Historic sites are often vulnerable to change. So if you are planning to metal detect near an archaeological or historic site, it is important that you understand the law and any relevant guidance.

You can check the location of most archaeological sites on PASTMAP. This shows you a range of information including the location of designated sites including scheduled monuments and Inventory Battlefields. You can also find information on undesignated archaeological sites. For the most up-to-date information about your local undesignated sites, use your nearest Historic Environment Records (contact details can be found via the HER Forum Scotland) as these may also have further information on archaeological sites in your area. Many of these local HER databases are available online via their respective Local Authority websites.

Metal detecting on designated sites

You **must not** metal detect on a scheduled monument or protected place – you could be fined £50,000 or more and sent to prison. See section 8 for more information on scheduled monuments and protected places.

No special permission (other than landowner permission) is needed to metal detect on or near to other designated sites such as Inventory Battlefields or Inventory Gardens and Designed Landscapes. For these, you should follow the guidance for non-designated sites below.

There are a range of tools available to help metal detectorists plan their activity and avoid damaging archaeological sites, or undertaking illegal metal detecing in protected areas

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Metal detecting near non-designated sites

There are 5 key steps to metal detecting responsibly near to non-designated sites:

Step 1 - Check

- **Check** that you are not near a scheduled monument. If you are close by you need to make sure that you know where the legally protected area is. This is usually a much larger area than the parts of a scheduled monument that are visible above ground
- **Check** that the landowner is happy for you to metal detect. You must not metal detect on land without their permission.

Step 2 - Avoid

- **Avoid** damaging archaeological deposits and features. It is best practice when metal detecting near a known archaeological site to focus on disturbed ground such as ploughed land. Do not dig below the plough soil.

Step 3 - Stop

- **Stop** immediately if you find a large collection of metal objects – you may have found something very important which needs to be properly excavated and recorded. Contact Treasure Trove or your local authority archaeologist for help and advice.
- **Stop** immediately if you find signs of human remains. Contact Police Scotland and your local authority archaeologist for help and advice.

Step 4 - Record

- **Record** your findspot as accurately as possible. Use a map, GPS or a free smartphone apps like What3Words. Mark where the object came from and photograph the area
- Store each object in an individual labelled bag. Include your grid reference/ What3Words on the bag to make sure you know where the object came from.
- Do not clean the finds or apply oils, varnishes, waxes or acidic substances.

Step 5 - Report

- In Scotland, you must **report** all finds to Treasure Trove
- You cannot take finds out of Scotland without the permission of Treasure Trove.

Advice for landowners of non-designated sites

Metal detectorists must ask for permission before detecting on your land. If they do not ask permission and cause deliberate material damage to growing crops, fences or walls on your land then this may constitute criminal damage which can be reported to Police Scotland.

Finders have no ownership rights to found objects which have not been reported to Treasure Trove (see below). Landowners have no property rights to finds. If a metal detectorist asks for permission to metal detect on your land you should be aware that any payment made by Treasure Trove in respect of finds will be made to the finder alone. If you wish to enter into private agreement with a metal detectorist regarding any reward, it is advised that this is undertaken in writing to protect your interests.

7. Your Finds

Who owns the objects you find?

'Found items' from anywhere in Scotland (on land, in buildings, from inland waters, from within harbours, and from the coast and other tidal waterways down to mean low tidal water level) which are not otherwise owned and for which there is not a demonstrable heir are the property of the Crown. These finds are known as 'portable antiquities'.

Found portable antiquities must be reported to the Crown by the finder through the Treasure Trove Unit. If you do not report your finds, you may be guilty of theft or receiving stolen goods.
Landowners have no property rights to portable antiquities, and finders have no ownership rights to found objects which have not been reported through Treasure Trove.

Portable Antiquities

This term in Scotland covers any ownerless item which is portable, has been humanly manufactured or modified, is of any size, type or material, is not integral to a site or monument, and has been found in Scotland. Normally the human manufacture or modification of the item will have occurred more than 100 years before its discovery.

Reporting your finds to Treasure Trove

Nearly all finds in Scotland are subject to Treasure Trove. Unlike England, they do not have to be made of precious metals. If you think you have found something of archaeological significance in Scotland, you must report it to Treasure Trove within one month of finding it. A Treasure Trove Reporting Form should be completed and emailed together with images of the find to treasuretrove@nms.ac.uk

What should you report?

Most things you find should be reported. Even the most unassuming object could be something important, so do not hesitate to send Treasure Trove images and a findspot.

What should you not report?
Natural artefacts such as fossils or unworked animal bones are not covered under Treasure Trove and do not need to be reported. However you should follow the Scottish Fossil Code. If you find what you believe to be human remains contact Police Scotland in the first instance.

Recovered wreck should be reported to the Receiver of Wreck.

What happens once you report a find?
If you want to find more about what happens once you have reported your finds, you can read more about the process in the Treasure Trove Code of Practice.

Removal of finds from Scotland

You must not remove finds from Scotland without permission from Treasure Trove.

The Galloway Hoard was discovered by a metal detectorist in 2014. It is the richest collection of Viking-age objects ever found in Scotland and includes over 100 objects, now in the National Museum of Scotland.

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8. Metal detecting on a scheduled monument or protected place

What is a scheduled monument and protected place?

Scheduled monuments are nationally important archaeological sites. They are protected by the Ancient Monuments and Archaeological Areas Act 1979. There are over 8,000 scheduled monuments in Scotland, ranging from Scotland's earliest prehistoric settlers to 20th-century military defences. Some monuments are visible above ground, but others may leave no trace on the surface or are only visible from the air. Almost all scheduled monuments are likely to include below-ground archaeology. This often extends further than the visible features. You can check the location and extent of scheduled monuments on the PASTMAP website.

Protected places include all scheduled monuments and monuments in the care of Scottish Ministers and managed by Historic Environment Scotland. We call these 'Properties in Care'. You can find out more information about these on Historic Environment Scotland's website.

Protection of scheduled monuments and protected places

All scheduled monuments are legally protected and there are strict measures in place to protect them. All works on a scheduled monument require scheduled monument consent. You can read more about undertaking activities near scheduled monuments in the leaflet 'Working on or near Scheduled Monuments'

There are also specific restrictions on the use of metal detectors on scheduled monuments and protected places. **It is illegal** to use a metal detector on a scheduled monument or protected place without Metal and Mineral Detecting Consent.

Your obligations when metal detecting near to a scheduled monument

If you are planning to metal detect near to a scheduled monument, it is important that you correctly identify the extent of the protected area to ensure you are not committing a criminal offence.
We recommend you use a map provided by Historic Environment Scotland to identify the protected area and leave a buffer to ensure your metal detecting is outwith this. You can contact Historic Environment Scotland using the details at the end of this leaflet to request a suitable map.
To identify the protected area of a scheduled monument on the ground you will need to use a map which includes:

- SCALE: The scale of the map will depend on the size of the scheduled monument and surrounding area. The size of the scheduled area must be clear on the map. The map should contain a scale bar or grid lines to allow you to measure distance
- SCHEDULED MONUMENT: The map should show the extent of the scheduled monument clearly
- FIXED POINTS: The map will need fixed points that you can find on the ground to measure the position of the monument from

Historic Environment Scotland also publish a range of spatial data for scheduled monuments on their Decisions Portal. These include shapefiles, web services and atom feeds for use with geographic information systems, survey and GPS equipment and can be used by competent individuals to identify the extent of a protected area.

Ardoch Roman Fort and Dunnottar Castle - two of Scotland's scheduled monuments

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Metal and mineral detecting consent

You must apply for metal and mineral detecting consent from Historic Environment Scotland to use any equipment capable of detecting metal on a scheduled monument. This includes:

- Hobbyist metal detecting, including the use of mobile phone apps
- Magnetometry
- Gradiometry
- Ground-penetrating Radar

Information on other techniques that require metal and mineral detecting consent can be found on Historic Environment Scotland's website.

Metal and mineral detecting consent will **not** normally be grant for metal detecting unless it is part of a wider archaeological project with a clear research strategy, and provision is made for the conservation and reporting of finds.

Further information on how to apply for metal and mineral detecting consent can be found in Historic Environment Scotland's Metal and mineral detecting application guidance leaflet.

Historic Environment Scotland and Police Scotland work together to investigate heritage crime, including illegal metal detecting
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Metal detecting on a scheduled monument or protected place without metal and mineral detecting consent

It is a criminal offence to metal detect on a scheduled monument or protected place without consent. Historic Environment Scotland investigate reports of illegal metal detecting in line with their compliance policy. You can find out more about their enforcement and compliance process in our leaflet 'Compliance and Enforcement at Scheduled Monuments'.

The table below sets out the offences and penalties in relation to metal detecting on scheduled monuments without consent.

Offence	Penalty
Unauthorised use of a metal detector	On summary conviction, to a fine not exceeding £1000
Removal of any object of archaeological or historic interest discovered through unauthorised metal detecting survey	Up to £10,000 on summary conviction or on conviction on indictment, to a fine
Unauthorised works on a scheduled monument	Up to £50,000 on summary conviction or on conviction on indictment, to a fine
Damage to a scheduled monument	Up to £50,000 and/or up to 6 months imprisonment on summary conviction, or on conviction on indictment, to a fine and/or up to 2 years imprisonment

Advice for owners of scheduled monuments

If someone asks you for permission to metal detect on a scheduled monument on your land, you should inform them that the site is legally protected, that they require prior written permission from Historic Environment Scotland for metal detecting on a scheduled monument. If they ignore you, or simply start work without seeking permission, and you think they are on a scheduled monument, please contact Police Scotland as soon as possible. You should also contact Historic Environment Scotland through the contact details at the end of this leaflet.

If you are aware of metal detectorists working near your scheduled monument, be sure that you and they are aware of the exact limits of the protected area on the ground.

If you are worried about people metal detecting on your scheduled monument, Historic Environment Scotland have a range of free signage advising of the restriction on metal detecting.

What should I do if I see a metal detectorist on a scheduled monument?

Heritage crime can lose pieces of our past forever. It causes damage that can never be repaired. Each year, we deal with numerous reports of illegal metal detecting on scheduled monuments.

We need you to help us protect our unique and irreplaceable history. If you see someone metal detecting illegally on a scheduled monument, contact Police Scotland on 101 or Crimestoppers on 0800 555 111. If you see evidence of previous metal detecting activity on a scheduled monument, such as unfilled holes, please report this to Historic Environment Scotland using the contact details at the end of this leaflet.

Historic Environment Scotland have a range of free signage for land owners of scheduled monuments to help deter metal detecting and other illegal activity

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9. Useful Contact Information

Treasure Trove Unit
National Museums of Scotland
Chambers Street
Edinburgh
EH1 1JF

treasuretrovescotland.co.uk
treasuretrove@nms.ac.uk

Historic Environment Scotland
Longmore House, Salisbury Place,
Edinburgh EH9 1SH
www.historicenvironment.scot

Contact the Planning, Consents and Advice Team:
0131 668 8716
hmenquiries@hes.scot

Association of Local Government Archaeological Officers (ALGAO)

algao.org.uk/scotland
admin@algao.org.uk

Police Scotland
In an emergency, call 999 if:

- there's a risk of personal injury or loss of life
- a crime is happening now
- someone suspected of a crime is nearby

Call 101 to contact the police if the crime is not an emergency.

Report an incident online using Police Scotland's Online Reporting Form

If you have information about those behind heritage crime and you want to remain anonymous, tell Crimestoppers what you know by calling 0800 555 111 or using their online form.

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