



Economy

Consultation - Draft Heritage (Jersey) Law 202-

JULY 2025

Government of Jersey

Contents

1 Introduction	2
1.1 Background.....	2
2 Key Provisions of the Draft Legislation	3
2.2 Mandatory Reporting and Protection of Archaeological Objects	3
2.3 Treasure Trove, Jersey National Antiquities and Reward	4
2.4 Code of Practice.....	4
2.5 Historic Environment Record.....	5
2.6 Licensing of Archaeological Excavation	5
2.7 Preservation and Protection of Jersey's Heritage	5
3 How to Respond	6
4 Next Steps.....	6
Annex.....	7
A. Draft Heritage (Jersey) Law 202-	7
B. Draft Heritage (Valuation of Reward) (Jersey) Regulations 202-.....	7
C. Draft Heritage (Licensing of Archaeological Excavations) (Jersey) Regulations 202-.....	7
D. Draft Code of Practice	7
E. Full Consultation Questions	7

1 Introduction

This consultation seeks your views on the draft *Heritage (Jersey) Law* (the ‘Draft Law’).

The Minister for Sustainable Economic Development has committed to finalising and lodging a new bespoke Heritage Law and subsequent legislation and a code of practice in order to deliver on Programme 3 of the [Heritage Strategy](#) to improve protection of Jersey’s heritage environment in a concerted and coordinated effort to meet Convention requirements.

The purpose of this consultation is to obtain the views of stakeholders and the wider public, and to promote discussion on the proposed legislation.

1.1 Background

The need for heritage legislation in Jersey, to protect archaeological objects and associated information, has been recognised since the late 1990s, in response to the UK 1996 Treasure Act and Portable Antiquities Scheme coming into force in England and Wales. In addition to other jurisdictions adopting comprehensive legislation, Jersey has commitments as a signatory to several treaties and conventions:

- The European Cultural Convention (The Paris Convention) 1954
- The Convention concerning the Protection of the World Cultural and Natural Heritage (The World Heritage Convention) 1972
- The Convention for the Protection of the Architectural Heritage of Europe (The Granada convention) 1987
- The Convention on the Protection of the Archaeological Heritage (The Valletta Convention) 1992

The 1992 Valletta Convention requires each Party to institute a legal system for the protection of the archaeological heritage, notably:

Article 2	Each Party undertakes to institute a legal system for the protection of the archaeological heritage, making provision for: iii) the mandatory reporting to the competent authorities by a finder of the chance discovery of elements of the archaeological heritage and making them available for examination.
Article 3	To preserve the archaeological heritage and guarantee the scientific significance of archaeological research work, each Party undertakes: i. to apply procedures for the authorisation and supervision of excavation and other archaeological activities: a. to prevent any illicit excavation or removal of elements of the archaeological heritage; b. to ensure that archaeological excavations and prospecting are undertaken in a scientific manner; ii. to ensure that excavations and other potentially destructive techniques are carried out only by qualified, specially authorised persons.

While the Government of Jersey has made substantial progress in respect of other aspects of its Valletta obligations, such as developing a voluntary reporting scheme and regulation of excavation in areas of Sites of Special Interest ('SSIs'), there is currently no robust legislation in place for the protection and management of finds of national archaeological and historical significance to Jersey.

Jersey's existing approach relies heavily on customary law and unwritten conventions, which do not provide sufficient clarity or protection. In recent years with the finding of the Le Catillon II Hoard, and lack of a statutory framework to manage the find, there has been a desire to bring forward comprehensive legislation.

The Draft Law is therefore proposed. It is intended to protect and preserve Jersey's rich archaeological heritage and recognise the importance of archaeological objects not only as part of the Island's collective memory but also as valuable resources for historical and scientific research.

2 Key Provisions of the Draft Legislation

The Draft Law makes provision for the reporting, recording, and preservation of archaeological objects significant to Jersey as well as a clear process for the determination of objects as Jersey national antiquities and the requirement for the Minister to issue a Code of Practice. The Draft Law also provides a number of Regulation making powers in relation to the criteria for assessing a reward for a find, implementation of relevant international treaties and agreements, the licensing of certain archaeological excavations and to further facilitate the preservation and protection of Jersey's heritage.

The following sections summarise the key provisions of the Draft Law. It is highly recommended to read the Draft Heritage (Jersey) Law, the Draft Heritage (Valuation of Reward) (Jersey) Regulations 202-, and Draft Heritage (Licensing of Archaeological Excavations) (Jersey) Regulations 202- before submitting a response to the consultation. These can be found in the Annex of this document.

2.2 Mandatory Reporting and Protection of Archaeological Objects

The Draft Law intends to make reporting of all archaeological objects discovered whether by chance or through activities such as metal detecting, mandatory. Mandatory reporting ensures that knowledge of the archaeological heritage is safeguarded and that objects of particular archaeological and historical significance to Jersey are secured for public benefit. This also ensures compliance with the Valetta Convention.

It is intended that finds must be reported, including location of the find, to the Finds Liaison Officer at Jersey Heritage, no later than 14 days after the find.

Details of an object will be recorded in the Historic Environment Record and initially assessed to determine if the object requires further assessment and determination as treasure trove or a Jersey National Antiquity.

2.3 Treasure Trove, Jersey National Antiquities and Reward

An “Archaeological Object” is defined by the Draft Law as an object found on or under the land, foreshore or seabed of Jersey that has been created or modified by human activity, and:

- Is at least 300 years old or
- Is not 300 years old but is, or appears to be, of historical interest
- Is historical human remains or ancient animal remains
- Is treasure trove

The Draft Law defines “Treasure Trove”, without prejudice to Customary Law, as an object:

- that is more than 50% gold or silver
- has been deliberately hidden with the intention of being recovered and
- has no known owner or heirs.

A “Jersey National Antiquity” is defined in the Draft Law as a find that is:

- so closely connected with Jersey national life and history that its loss would be a misfortune
- of outstanding aesthetic importance
- of outstanding significance for study
- otherwise of cultural interest

The Draft Law provides that the Viscount will conduct inquests for the most significant finds to determine whether they qualify as Treasure Trove or Jersey National Antiquities.

The Law proposes that Jersey National Antiquities will become the property of the Public of the Island and that Treasure Trove will be held in trust for the Crown by the Minister for Sustainable Economic Development (the ‘Minister’). The Minister will ensure that both Treasure Trove and Jersey National Antiquities are preserved and made accessible to the public by depositing them with Jersey Heritage with agreement with the Crown. If Jersey Heritage’s initial assessment does not consider the find “significant” it is intended that the find will be returned to the person who reported it.

A reward system is also proposed in the Draft Law. The system is intended to recognise the contributions of both the finder and the landowner, based on expert advice and linked to the market value of the object. The Minister must consult appropriately qualified experts to determine appropriate rewards.

2.4 Code of Practice

The Draft Law provides that the Minister must prepare and publish a Code of Practice containing practical guidance for reporting and protecting archaeological objects. This has been developed in consultation with Jersey Heritage. The Code of Practice provides a step-by-step guide to the process by which finds are dealt with and the role and responsibilities of the parties involved. This includes:

- How and when to report and find
- Guidance for protecting finds before assessment
- Role of the Finds Liaison Officer in carrying out preliminary assessment of a find

- How the Minister will determine reward
- Code of Conduct for responsible metal detecting
- Licensing of archaeological evaluations
- Useful contacts

Failure to comply with the Code of Practice may be taken into consideration by any court when considering compliance with the Draft Law, and by the Minister in determining the amount of reward.

The draft Code of Practice can be found in Annex D.

2.5 Historic Environment Record

An Historic Environment Record (the 'HER') is a comprehensive and dynamic information resource relating to the archaeology and historic environment of the Bailiwick of Jersey, maintained by Jersey Heritage. The Draft Law proposes that all significant reported finds will be recorded in a statutory HER.

Jersey's HER is available to the public via [online access](#), a database linked to layers in a geographic information system (the 'GIS') and a physical reference collection. An advanced level of access is available to researchers with proven accreditation and agenda. The Government of Jersey must consult the HER as a material consideration for planning and development-control work.

It is proposed that some information will remain confidential, such as location of discovery as to protect finder and landowner.

2.6 Licensing of Archaeological Excavation

This Draft Law proposes a licence to undertake intrusive archaeological investigations, on non-designated areas, including undisturbed land below the beach, the foreshore, the seabed, and ploughsoil on agricultural land. It is proposed that a licence will not be required for archaeological excavation on agricultural land, where it does not disturb the land below the plough soil. Licensing archaeological excavations will help Jersey to meet its obligations under Article 3 of the Valletta Convention.

2.7 Preservation and Protection of Jersey's Heritage

The Draft Law also intends that regulations may be made by the States Assembly that make provision for the protection and preservation of language, buildings and intangible heritage and culture.

3 How to Respond

Before submitting a response, please read:

- Draft Heritage (Jersey) Law 202- (Annex A)
- Draft Heritage (Valuation of Reward) (Jersey) Regulations 202- (Annex B)
- Draft Heritage (Licensing of Archaeological Excavations) (Jersey) Regulations 202- (Annex C)
- Process Flowchart (Annex D)

Responses to the questions set out in Annex E can be submitted no later than at noon on 8th September 2025:

- a) Online at <https://www.gov.je/government/consultations>
- b) By email to Economy@gov.je with the subject FAO Draft Heritage Law Consultation
- c) In writing to
Draft Heritage Law Consultation
Department for the Economy
Government of Jersey
Union Street
St Helier Jersey
JE2 3DN

The information you provide will be processed in compliance with the Data Protection (Jersey) Law 2018 for the purposes of this consultation. For more information, please read the [Department for the Economy's privacy notice](#).

The Government of Jersey may quote or publish responses to this consultation including (sent to other interested parties on request, sent to the Scrutiny Office, quoted in a published report, reported in the media, published on www.gov.je, listed on a consultation summary etc.) but will not publish the names and addresses of individuals without consent.

Confidential responses will still be included in any summary of statistical information received and views expressed. Under the Freedom of Information (Jersey) Law 2011, information submitted to this consultation may be released if a Freedom of Information request requires it, but no personal data may be released.

4 Next Steps

A report summarising the responses to the consultation will be published.

Responses to the consultation will inform and finalise the Draft Law and associated documents. The Draft Law will then be lodged for debate in the States Assembly late in 2025.

Annex

- A. Draft Heritage (Jersey) Law 202-
- B. Draft Heritage (Valuation of Reward) (Jersey) Regulations 202-
- C. Draft Heritage (Licensing of Archaeological Excavations) (Jersey) Regulations 202-
- D. Draft Code of Practice
- E. Full Consultation Questions
 - 1. Are you responding:
As an individual
On behalf of an organisation
On behalf of a business
Free text
 - 2. Do you agree with the principle of introducing heritage legislation?
Strongly agree - strongly disagree
 - 3. In one sentence, please give your overall opinion of the Draft Law and Regulations:
Free text – 50 word limit

Section one – Draft Heritage (Jersey) Law

- 4. Do you agree with the definition of “Archaeological Object”?
Strongly agree – strongly disagree
Free text
- 5. Do you agree with the definition of “Treasure Trove”?
Strongly agree – strongly disagree
Free text
- 6. Do you agree with the definition of “Jersey National Antiquity”?
Strongly agree – strongly disagree
Free text
- 7. Do you agree the timeframes set out in the Draft Law for reporting are reasonable?
Strongly agree – strongly disagree
Free text
- 8. The Draft Law proposes that the ownership of Jersey National Antiquities should be clarified as owned by the public of the Island and so preserved, made available for public

enjoyment, and research. Do you agree or disagree?

Strongly Agree – strongly disagree

Free text

Section two – Draft Heritage (Valuation of Reward) (Jersey) Regulations

9. The Draft Regulations proposes any reward should be shared between the finder and landowner. Do you agree or disagree?

Strongly agree – strongly disagree

Free text

Section three – Draft Heritage (Licensing of Archaeological Excavations) (Jersey) Regulations

10. Do you agree or disagree with the proposed framing of the licensing scheme?

Strongly agree – strongly disagree

Free text

Section four – Any other comments

11. Do you have any other views that you have not already given in response to the questions?

Free text