



Jersey

DRAFT HERITAGE (VALUATION OF REWARD) (JERSEY) REGULATIONS 202-

Contents

Regulation

1	Interpretation	2
2	Application for share of reward	2
3	Payment of reward	3
4	Consultation with experts	3
5	Review of decision	3
6	Citation and commencement.....	3

SCHEDULE 4

FINDERS AND LANDOWNERS NOT ABLE TO MAKE APPLICATION FOR REWARD		4
1	Finders not able to make application.....	4
2	Landowners not able to make application	4



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DRAFT HERITAGE (VALUATION OF REWARD) (JERSEY) REGULATIONS 202-

*Made**[date to be inserted]**Coming into force**[date to be inserted]*

THE STATES make these Regulations under Article 11 of the Heritage (Jersey) Law 202- –

1 Interpretation

In these Regulations –

- “applicant” means a finder or landowner who makes an application for a reward;
- “finder’s share” has the meaning in Regulation 3;
- “landowner’s share” has the meaning in Regulation 3;
- “Law” means the Heritage (Jersey) Law 202-.

2 Application for share of reward

- (1) The Minister may pay a reward if an application is made in the manner specified by the Minister within 28 days starting on the day after the day on which the Viscount issues the ruling of the inquest under Article 20B of the Inquests Law.
- (3) The application for a finder’s share must be made by a finder and the application for a landowner’s share must be made by a landowner.
- (4) If there is more than 1 finder or more than 1 landowner, only 1 of each is permitted to make an application and the respective share must be paid to that person.
- (5) If the Minister receives more than 1 application to a finder’s share or a landowner’s share, the Minister must make a decision about payment of a reward on the first application they receive.
- (6) After the reward has been paid, any further questions of apportionment must be settled between the individual finders or landowners.
- (7) An application for a reward cannot be made by a finder or landowner listed in the Schedule.

3 Payment of reward

- (1) If the Minister pays a reward it must be apportioned so that a 50% share is paid to the finder of the treasure (“finder’s share”) and a 50% share is paid to the landowner (“landowner’s share”).
- (2) The Minister may reduce a respective share of the reward, if a finder or landowner –
 - (a) contravened Article 6 or 8 of the Law, whether or not a prosecution has been brought;
 - (b) committed an offence when searching for or retrieving the find, whether or not a prosecution has been brought;
 - (c) has a previous conviction for an offence under the Law; or
 - (d) failed to comply with the code of practice.
- (3) If all of the finders or all of the landowners are convicted of offences under Article 6 or Article 8 of the Law, the Minister must not pay the respective share.
- (4) The Minister must set out in writing how they decided the amount of the reward.

4 Consultation with experts

- (1) When determining the amount of the reward for a Jersey national antiquity that is not treasure trove, the Minister must consult with any experts as appear appropriate to the Minister.
- (2) When determining the amount of the reward for a Jersey national antiquity that is treasure trove, the Minister must consult with any experts as appear appropriate to the Minister and must also consult with any experts as appear appropriate to the Receiver General.
- (3) When determining which experts must be consulted, the Minister and Receiver General must take into account the nature of the Jersey national antiquity and its historical context.

5 Review of decision

- (1) If an applicant disagrees with the decision of the Minister, they may request a review of the decision within 28 days beginning on the day the Minister informs them of the reward.
- (2) A request for a review must be made in writing in the manner specified by the Minister.
- (3) The review must be carried out within a reasonable period of time by a different Minister or an Assistant Minister, who must provide reasons for their decision.

6 Citation and commencement

These Regulations may be cited as the Heritage (Valuation of Reward) (Jersey) Regulations 202- and come into force on the same day as the Heritage (Jersey) Law 202-.

SCHEDULE

(Article 3)

FINDERS AND LANDOWNERS NOT ABLE TO MAKE APPLICATION FOR REWARD

1 Finders not able to make application

A person who finds a Jersey national antiquity –

- (a) during an archaeological excavation licensed under the Heritage (Archaeological Excavations) (Jersey) Regulations 202-; or
- (b) in the course of development for which planning permission has been granted under the Planning Law

2 Landowners not able to make application

Ministry, department or other administration of the States

Non-Ministerial States body