



Jersey

DRAFT HERITAGE (JERSEY) LAW 202-

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Jersey

DRAFT HERITAGE (JERSEY) LAW 202-

A **LAW** to provide for the securing of Jersey's archaeological heritage, the reporting, recording and preservation of objects of archaeological and historical significance to Jersey, and for connected purposes.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

PART 1

INTERPRETATION

1 Interpretation

In this Law –

“archaeological object” has the meaning given in Article 2;

“code of practice” means a code of practice prepared and published under Article 12;

“find” means –

- (a) an archaeological object; or
- (b) 2 or more archaeological objects that are found together or within the same archaeological context;

“human remains” means the bodies, or parts of bodies, of once living *Homo sapiens* or *Homo neanderthalensis*, or other specimens of the genus *Homo*;

“Inquests Law” means Inquests and Post-Mortem Examinations (Jersey) Law 1995

“Jersey” includes the territorial waters of Jersey;

“Jersey Heritage” means The Jersey Heritage Trust;

“Jersey national antiquity” has the meaning given in Article 3;

“Minister” means the Minister for Sustainable Economic Development;

“Planning Law” means the Planning and Building (Jersey) Law 2002;

“treasure trove” has the meaning given in Article 4.

2 Archaeological object

- (1) “Archaeological object” means an object found on or under the land, foreshore or seabed of Jersey that –
- (a) has been created or modified by human activity and that –
 - (i) at least 300 years old; or
 - (ii) is not 300 years old but is, or appears to be, of historical interest;
 - (b) is historical human remains or ancient animal remains; or
 - (c) is treasure trove
- (2) Paragraph (1) includes an object that is –
- (a) is found in or on a wreck;
 - (b) was found by someone other than the person who currently has possession of it.

3 Jersey national antiquity

“Jersey national antiquity” means an archaeological object that is, whether considered alone or as part of a larger find –

- (a) so closely connected with Jersey national life and history that its loss would be a misfortune;
- (b) of outstanding aesthetic importance;
- (c) of outstanding significance for the study of any branch of Jersey art, learning or history; or
- (d) otherwise of cultural interest.

4 Treasure trove

In this Law, and without prejudice to the customary law, “treasure trove” means an object –

- (a) that is more than 50% gold or silver;
- (b) that has been deliberately hidden with the intention that it is to be recovered; and
- (c) whose owner, or whose owner’s heirs, are unknown.

PART 2

REPORTING AND PROTECTION OF ARCHAEOLOGICAL OBJECTS

5 Reporting of objects

- (1) A person who finds an archaeological object must report finding it to Jersey Heritage within 14 days, beginning on the day after the day on which the archaeological object is found.

- (2) When reporting the finding of an archaeological object, the person must inform Jersey Heritage of the location where the archaeological object was found.
- (3) If requested by Jersey Heritage, the person must deposit the archaeological object with Jersey Heritage.
- (4) Paragraphs (1) and (3) also apply to a person who acquires an archaeological object other than by finding it, in which case that acquisition must be reported within 28 days, beginning on the day after the day on which the person becomes aware that they have acquired an archaeological object.
- (5) A person commits an offence if that person, without reasonable excuse –
 - (a) fails to report, in accordance with paragraph (1) or (4), the finding or acquisition of an object that the person believes, or has reason to believe, is an archaeological object;
 - (b) when reporting the finding of an archaeological object refuses to inform Jersey Heritage of the location where it was found; or
 - (c) if requested by Jersey Heritage to deposit an archaeological object, refuses to do so.
- (6) A person who commits an offence under paragraph (5), that person is liable to a term of imprisonment for 12 months and to a fine.
- (7) A person commits an offence and is liable to imprisonment for 2 years and to a fine if that person knowingly provides false or misleading information when reporting the finding or acquisition of an archaeological object.
- (8) In determining the amount of a fine to be imposed on a person convicted of an offence under this Article, the court must have regard to any financial benefit that has accrued, appears likely to accrue or could have accrued to the person in consequence of the offence.

6 Exception to obligation to report

- (1) Article 6 does not apply if –
 - (a) the person reports the finding of the archaeological object to an authority referred to in paragraph (2); or
 - (b) the code of practice specifies that the finding of the archaeological object does not need to be reported.
- (2) The persons are –
 - (a) for human remains, the States of Jersey Police;
 - (b) for explosives or munitions, the States of Jersey Police or the coastguard;
 - (c) for archaeological objects found in or on wrecks, the Receiver appointed under the [Shipping \(Jersey\) Law 2002](#).

7 Protection of object

- (1) Before a relevant decision is made, a person –
 - (a) must not discard, damage or destroy an object that the person knows or has reason to believe is an archaeological object; and
 - (b) must take reasonable measures to preserve the object.
- (2) A “relevant decision” is –

- (a) a determination by Jersey Heritage under Article 8 that the object is not an archaeological object;
 - (b) a determination by Jersey Heritage under Article 8 that an archaeological object does not appear to be a Jersey national antiquity;
 - (c) a finding by the Viscount under Article 20B of the [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#) that an object is not treasure trove or an archaeological object is not a Jersey national antiquity.
- (3) A person who, without reasonable excuse, contravenes paragraph (1)(a) or (b) commits an offence and is liable to a fine.
- (4) In determining whether a person has taken reasonable steps to preserve an object, the court may take into account any instructions Jersey Heritage provided to the person in relation to the treatment or preservation of the object and any guidance provided in a code of practice.

PART 3

TREASURE TROVE AND JERSEY NATIONAL ANTIQUITIES

8 Initial assessment of whether object is treasure trove or Jersey national antiquity

- (1) If a person has reported the finding or acquisition of an object to Jersey Heritage, Jersey Heritage must, within a reasonable time assess –
- (a) whether it is an archaeological object;
 - (b) whether it may be treasure trove;
 - (c) if it is an archaeological object, whether it may be a Jersey national antiquity.
- (2) If Jersey Heritage considers that the object may be treasure trove it must inform the Receiver General, the Viscount and the person who reported finding or acquiring it, no later than 28 days after the day on which it makes that decision so that a ruling can be made under the Inquests Law as to whether the object is treasure trove.
- (3) If Jersey Heritage considers that the object is an archaeological object and may be a Jersey national antiquity (but not treasure trove) it must inform the Viscount and the person who reported finding or acquiring it no later than 28 days after the day on which it makes that decision so that a ruling can be made under the Inquests Law as to whether the archaeological object is a Jersey national antiquity.
- (4) If Jersey Heritage does not consider that object may be treasure trove or that an archaeological object may be a Jersey national antiquity it must return the object or archaeological object to the person who reported it and if the person does not want it, Jersey Heritage may dispose of it.
- (5) The Minister may, by Order, make further provision in relation to the procedure Jersey Heritage must follow.

9 Jersey national antiquities belong to Public of the Island

- (1) Unless Article 10 applies, a Jersey national antiquity belongs to the Public of the Island.

- (2) The Minister is responsible for ensuring that Jersey national antiquities are preserved and protected.

10 Jersey national antiquity that is treasure trove

If a Jersey national antiquity is treasure trove, it is held by the Minister in trust for the Crown.

11 Reward

- (1) If there is a ruling under the Inquests Law that an archaeological object is a Jersey national antiquity but not treasure trove, the Minister may pay a reward to the finder, the landowner and any other person the Minister considers appropriate.
- (2) If there is a ruling under the Inquests Law that an archaeological object is a Jersey national antiquity Jersey and treasure trove, having consulted with the Receiver General and taken account of their views, the Minister may pay a reward to the finder, the landowner and any other person the Minister and the Receiver General consider appropriate.
- (3) The reward must not exceed the market value of the Jersey national antiquity.
- (4) A reward must not be paid in respect of human remains.
- (5) The States may make Regulations to provide for –
 - (a) the procedure for making and determining an application for a reward;
 - (b) the amount of the reward;
 - (c) the persons to whom a reward may or may not be paid;
 - (d) Jersey national antiquities for which a reward may or may not be paid;
 - (e) the review of a decision about whether to pay a reward or the amount of the reward.
- (6) In this Article –

“finder” means a person named as a finder in the findings of an inquest conducted under Article 20A of the Inquests Law;

“landowner” means a person named as a landowner in the findings of an inquest conducted under Article 20A of the Inquests Law.

12 Code of Practice

- (1) The Minister –
 - (a) must prepare and publish a code of practice that provides practical guidance in respect of the reporting and protection of archaeological objects; and
 - (b) may amend that code.
- (2) The code of practice may specify archaeological objects that do not need to be reported under Article 5.
- (3) When preparing and publishing, or re-publishing, the code of practice the Minister must consult –
 - (a) Jersey Heritage; and
 - (b) any other person or body the Minister considers appropriate.

- (4) A failure to comply with the code of practice prepared and published under paragraph (1) does not directly render a person liable to proceedings of any kind, but the code is admissible in proceedings and may be taken into account by –
 - (a) a court considering a question of compliance with this Law or Regulations or Orders made under it;
 - (b) the Minister in determining the amount of a reward, if any, to be paid to a person in respect of an object, including a reduction of the reward.

PART 4

HISTORIC ENVIRONMENT RECORD

13 Historic environment record

- (1) Jersey Heritage must maintain a historic environment record for Jersey.
- (2) A “historic environment record” is a system for storing and making available to the public information about –
 - (a) a site or building that is included on the List of Sites of Special Interest maintained under Article 51 of the Planning Law because of the special geological, archaeological, architectural, artistic, cultural or historical interest that attaches to the building or site;
 - (b) a conservation area designated under Article 56A of the Planning Law;
 - (c) other sites in Jersey that Jersey Heritage considers to be of archaeological, architectural, artistic, cultural or historical interest;
 - (d) objects that Jersey Heritage considers to be archaeological objects –
 - (i) the finding or acquisition of which are reported under this Law;
 - (ii) that have been found in the course of archaeological investigations; or
 - (iii) that are otherwise brought to the attention of Jersey Heritage;
 - (e) historic place names;
 - (f) the way in which the historic, archaeological or architectural development of Jersey, or any part of it, has contributed to its present character and about how that character may be preserved;
 - (g) historical, architectural, archaeological or scientific investigations or studies relating to –
 - (i) sites or objects referred to in paragraphs (a) to (d); or
 - (ii) the development, preservation or present character of any part of Jersey.
- (3) Nothing in this Article prevents Jersey Heritage from using the historic environment record to store and make available to the public other archaeological, architectural, artistic, cultural or historical information that Jersey Heritage considers should be preserved.
- (4) Information is required to be included in the historic environment record only if Jersey Heritage has the information and considers it suitable for inclusion in the record.
- (5) Jersey Heritage must take the steps it considers reasonable to –
 - (a) obtain information for inclusion in the historic environment record; and

- (b) keep information in the historic environment record up to date.

PART 5

FURTHER PROVISIONS RELATING TO PRESERVATION AND PROTECTION OF JERSEY'S HERITAGE

14 Compliance with international obligations and standards

The States may make Regulations to comply with –

- (a) international agreements that extend to Jersey and concern the protection or preservation of Jersey's heritage or of objects of archaeological, historical or cultural significance; or
- (b) internationally agreed provisions that concern the protection or preservation of objects of archaeological, historical or cultural significance and that the States considers it appropriate to apply in Jersey.

15 Protection of heritage

- (1) The States may make Regulations to facilitate the preservation and protection of Jersey's heritage.
- (2) Without limiting paragraph (1), Regulations made under this Article may provide for the protection and preservation of language, buildings and intangible heritage and culture.

16 Licensing of archaeological excavations

- (1) The States may make Regulations to provide for the licensing of an archaeological excavation.
- (2) Regulations made under paragraph (1) may provide for –
 - (a) the granting, modifying and revocation of licenses; and
 - (b) the review and appeal of decisions granting, modifying or revoking licences.
- (3) In this Article –
 - “archaeological excavation” means an intrusive investigation on or under land or the seabed (whether or not the investigation involves the removal of the surface of the land or seabed) for the purpose –
 - (a) of searching generally for archaeological objects; or
 - (b) of searching for, exposing or examining a particular structure or thing of archaeological interest;
 - “land” includes the foreshore.

PART 6

FINAL AND MISCELLANEOUS PROVISIONS

17 Relationship with customary law

This Law is without prejudice to the customary law.

18 Limitation of civil liability

- (1) A person or body to whom this Article applies is not liable in damages for anything done or omitted in carrying out any function under this Law, or Regulations or Orders made under it.
- (2) This Article applies to the Minister, the Viscount, Jersey Heritage, and any person or body consulted by the Minister or Jersey Heritage when carrying out a function under this Law, or Regulations or Orders made under it.
- (3) Paragraph (1) does not apply –
 - (a) if it is shown that the act was done in bad faith; or
 - (b) to prevent an award of damages made in respect of an act on the grounds that the act was unlawful as a result of Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#).

19 Offences by bodies corporate and others

- (1) In this Article –

“relevant offence” means an offence under this Law, or Regulations made under it, that is committed by a limited liability partnership, a separate limited partnership, an incorporated limited partnership or another body corporate;

“relevant person” means –

 - (a) if the relevant offence is committed by a limited liability partnership, a partner of the partnership;
 - (b) if the relevant offence is committed by a separate limited partnership or an incorporated limited partnership –
 - (i) a general partner; or
 - (ii) a limited partner who is participating in the management of the partnership;
 - (c) if the relevant offence is committed by a body corporate other than an incorporated limited partnership –
 - (i) a director, manager, secretary or other similar officer of the body corporate; and
 - (ii) if the affairs of the body corporate are managed by its members, a member who is acting in connection with the member’s functions of management; and
 - (d) a person purporting to act in any capacity described in sub-paragraphs (a) to (c) in relation to the partnership or body that commits the relevant offence.
- (2) If a relevant offence is proved to have been committed with the consent or connivance of a relevant person, that relevant person is also guilty of the offence and

liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

- (3) Paragraph (4) applies if a relevant offence –
 - (a) is an offence that may be committed by neglect; and
 - (b) is proved to be attributable to neglect on the part of a relevant person.
- (4) The relevant person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

20 Regulations

- (1) The States may make Regulations to this Law to –
 - (a) amend, insert or delete a definition;
 - (b) specify another body or organisation instead of, or as well as, Jersey Heritage to carry out functions given to it under this Law;
 - (c) amend or supplement the provisions relating to the reporting and protection of archaeological objects, including offences and penalties.
- (2) When making Regulations under this Law, the States may –
 - (a) create offences but may not make provision imposing a penalty of imprisonment of more than 2 years for a criminal offence;
 - (b) confer a power or impose a duty on the Minister to make, by Order, any provision that may be made by the Regulations;
 - (c) make provision for prescribing and regulating the payment and recovery of expenses and provide for the payment of fees and charges.
- (3) The provision that may be made by Regulations does not include provision –
 - (a) imposing or increasing taxation;
 - (b) taking effect from a date earlier than that of the making of the Regulations containing the provision;
 - (c) amending the [Human Rights \(Jersey\) Law 2000](#); or
 - (d) making any provision inconsistent with this Law.

21 [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#) amended

After Part 4 of the Inquest and Post-Mortem Examinations (Jersey) Law 1995 there is inserted –

PART 4A

INQUEST CONCERNING TREASURE TROVE AND JERSEY NATIONAL ANTIQUITY

20A Inquest concerning treasure trove and Jersey national antiquity

- (1) When the Viscount is notified under Article 8(2) or (3) of the Heritage (Jersey) Law 202- that an object may be treasure trove or an archaeological object may be a Jersey national antiquity, the Viscount must hold an inquest into whether

the object is treasure trove or the archaeological object is a Jersey national antiquity (or both).

- (2) The inquest must be held without a jury unless the Viscount thinks there is sufficient reason for it to be held with a jury.
- (3) The following Articles apply to the inquest –
 - (a) Article 7 (jury);
 - (b) Article 8 (inquest without a jury);
 - (c) Article 9 (summoning of witnesses);
 - (d) Article 11 (proceedings at inquest);
 - (e) Article 12 (protection of witnesses and counsel);
 - (f) Article 13(1) (adjournment of inquest);
 - (g) Article 16 (Court may order fresh inquest to be held).
- (4) For the purposes of applying the Articles referred to in paragraph (3), references to the deceased and cause of death are to be read as references to the object or archaeological object and the circumstances in which it was found.

20B Findings of inquest under Article 20A

The Viscount or jury must give their ruling in writing, which must include –

- (a) where the object was found;
- (b) when the object was found;
- (c) the person who found the object;
- (d) the owner of the land on which the object was found;
- (e) if the inquest is concerned with whether the object is treasure trove, whether it is treasure trove;
- (f) if the inquest is concerned with whether an archaeological object is a Jersey national antiquity, whether it is a Jersey national antiquity;
- (g) whether any of the people who found the object or the owners of the land on which the object was found breached Articles 6 or 8 of the Heritage (Jersey) Law 202-; and
- (h) any other findings of fact that the Viscount or jury considers relevant.

20C Outcome of inquest under Article 20A

- (1) If the Viscount or jury rules that an archaeological object is a Jersey national antiquity (whether or not it is also found to be treasure trove), it must be transferred to the Minister defined in Article 1 of the Heritage (Jersey) Law 202-.
- (2) If the Viscount or jury rules that the archaeological object is not a Jersey national antiquity but is treasure trove, it must be given to the Receiver General, or to a person nominated by the Receiver General.
- (3) If Viscount or jury rules that an archaeological object is not a Jersey national antiquity and is not treasure trove–

- (a) if the archaeological object was found on the foreshore or other land conveyed to the Public of the Island, the object must be returned to the Jersey Heritage Trust, which may keep or dispose of the object or return it to the person who reported finding it; or
 - (b) if the archaeological object was found on other land, the object must be returned to the person who reported finding it.
- (4) If an archaeological object must be returned to the person who reported finding it under paragraph (3)(b) and the person does not want the object, it must be returned to the Jersey Heritage Trust, which may keep or dispose of the object.

22 Planning and Building (Jersey) Law 2002 amended

In Article 55 of the Planning and Building (Jersey) Law 2002 –

- (a) in paragraph (1)(c), for “or (f)” there is substituted “, (f) or (g)”;
- (b) in paragraph (2) after sub-paragraph (f) there is inserted –
 - (g) to remove an archaeological object (within the meaning of the Heritage (Jersey) Law 202-).

23 Shipping (Jersey) Law 2002 amended

After Article 146 of the Shipping (Jersey) Law 2002 there is inserted –

146A Sale of wreck containing archaeological objects

- (1) Before the Receiver sells wreck under Article 145 or 146, the Receiver must determine whether the wreck may be, or may contain, an archaeological object within the meaning of the Heritage (Jersey) Law 202-.
- (2) If the Receiver determines that the wreck may be, or may contain, an archaeological object, the Receiver must inform the body designated under the Heritage (Jersey) Law 202- and comply with any instructions the body provides in relation to the storage and preservation of the object.

24 Consequential amendments

The States may, in consequence of any provision made by or under this Law, by Regulations make amendments to any enactment that appears to the States to be expedient.

25 Citation and commencement

This Law may be cited as the Heritage (Jersey) Law 202- and comes into force on a day to be specified by the Minister by Order.



Jersey

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

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SCHEDULE

4

FINDERS AND LANDOWNERS NOT ABLE TO MAKE APPLICATION FOR REWARD		4
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Jersey

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



Jersey

DRAFT HERITAGE (LICENSING OF ARCHAEOLOGICAL EXCAVATIONS) (JERSEY) REGULATIONS 202-

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Jersey

DRAFT HERITAGE (LICENSING OF ARCHAEOLOGICAL EXCAVATIONS) (JERSEY) REGULATIONS 202-

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

THE STATES make these Regulations under Article 16 of the Heritage (Jersey) Law 202- –

1 Interpretation

In these Regulations –

- “applicant” has the meaning given in Regulation 4;
- “Chief Officer” has the meaning given in Article 1 of the Planning Law;
- “licence” means a licence granted by the Chief Officer under Regulation 5 and includes a modification of that licence;
- “licence holder” means a person to whom a licence has been granted;
- “Minister” means the Minister for the Environment;

2 Prohibition on conducting archaeological excavation without licence

- (1) A person who undertakes an archaeological excavation on land otherwise than in accordance with a licence issued under Regulation 5 commits an offence and is liable to a fine.
- (2) In determining the amount of a fine to be imposed on a person convicted of an offence under this Article, a court must have regard to any financial benefit that has accrued, appears likely to accrue or could have accrued to the person in consequence of the offence.

3 Exceptions to requirement to have licence

- (1) Regulation 2 does not apply to –
 - (a) a person who undertakes activity that is permitted under Article 55(3)(a) or
 - (b) of the Planning Law on a site of special interest;

- (b) a person who undertakes an archaeological excavation in accordance with conditions specified in the grant of planning permission under Article 19 of the Planning Law;
 - (c) a person who undertakes an archaeological excavation for, or under the direction of, Jersey Heritage solely for the purpose of securing an archaeological object or structure that is in imminent danger of destruction, loss or decay; or
 - (d) an archaeological excavation that –
 - (i) takes place on land and does not disturb the land below the ploughsoil; or
 - (ii) takes place on the foreshore, is within the surface of the foreshore and does not excavate into the hard-pack sub-surface.
- (2) In paragraph (2)(d), “ploughsoil” means the soil on land that is regularly used for agricultural purposes and that is disturbed for those purposes.

4 Application for licence

- (1) A person who intends to undertake an archaeological excavation (“an applicant”) must apply for a licence in the form required by the Chief Officer.
- (2) The application must –
 - (a) include the following information –
 - (i) the specific area in which the excavation will take place;
 - (ii) the nature of the excavation;
 - (iii) the expected duration of the excavation;
 - (iv) evidence that permission for the excavation has been granted by the landowner;
 - (v) the name of at least 1 individual responsible for the conduct of the excavation; and
 - (vi) any other information the Chief Officer requests; and
 - (b) be accompanied by the fee (if any) prescribed by the Minister.
- (3) A person who provides information connected with an application for a licence knowing that it is false or misleading commits an offence and is liable to a term of imprisonment for 2 years and to a fine.

5 Grant of licence

- (1) The Chief Officer may grant a licence to an applicant.
- (2) The licence must specify –
 - (a) the specific area in which the excavation will take place;
 - (b) the nature of the excavation;
 - (c) the period for which the licence is valid; and
 - (d) the name of the individual responsible for the conduct of the excavation.
- (3) The licence may contain any conditions that the Chief Officer considers necessary.
- (4) Before granting a licence the Chief Officer must publish, in a manner that brings it to the attention of details of persons affected –

- (a) the nature of the excavation and the specific area in which it will take place;
 - (b) the period and manner in which representations may be made about the excavation.
- (5) The Chief Officer must take account of any representations before deciding whether to grant the licence.
- (6) Before granting a licence, the Chief Officer must –
 - (a) take account of any representations received under paragraph (4)(b); and
 - (b) consult Jersey Heritage (and may consult with other experts that the Chief Officer considers appropriate).
- (7) If the Chief Officer refuses to grant the licence, they must provide written reasons with the refusal.

6 Modification and cancellation of licence

- (1) A licence holder may request that the licence is modified.
- (2) If the Chief Officer refuses to modify a licence, they must provide written reasons with the refusal.
- (3) The Chief Officer may modify or cancel a licence on their own initiative if they consider it necessary.
- (4) If the Chief Officer modifies or revokes a licence under paragraph (3), they must inform the licence holder and provide written reasons.

7 Review of decision of Chief Officer

- (1) This Regulation applies if the Chief Officer –to a decision of the Chief Officer to impose a particular condition in a licence or to refuse, revoke or vary a licence.
 - (a) refuses to grant a licence;
 - (b) imposes a condition in a licence;
 - (c) modifies a licence;
 - (d) cancels a licence.
- (2) If this Regulation applies, the applicant or licence holder may request that the Minister reviews the decision.
- (3) The request must –
 - (a) be made no later than the end of the period of 28 days beginning with the date of the decision;
 - (b) be in the form required by the Minister; and
 - (c) include the grounds on which the request is made.
- (4) As soon as practicable the Minister must determine whether to refuse the request for a review or whether to review the Chief Officer's decision and must give written reasons for their determination.
- (5) The Minister may replace the Chief Officer's decision with the Minister's own determination.

8 Appeal

- (1) An applicant or licence holder aggrieved by a decision of the Minister under Regulation 7 may appeal to the Royal Court.
- (2) The applicant or licence holder must appeal within 28 days after the date on which the Minister informed them of the decision.
- (3) After hearing an appeal the Royal Court may uphold or cancel the decision of the Minister.
- (4) If the Royal Court cancels the decision, it may substitute its own decision or remit the decision to the Minister to be remade.

9 Transitional provision

These Regulations do not apply to an excavation that is under way when these Regulations come into force.

10 Citation and commencement

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

CODE OF PRACTICE

HERITAGE (JERSEY) LAW 202-

Under the Heritage (Jersey) Law 202-, all archaeological objects discovered in Jersey must be reported to the appropriate body. Objects that are formally designated as Jersey National Antiquities belong to the Public of the Island. Treasure Trove remains the property of the Crown. This Code of Practice provides guidance on the implementation of the Law with a particular focus on the reporting, handling, and protection of archaeological objects.

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1 Introduction

- 1.1 This Code of Practice is not legislation, but failure to comply with its provisions is admissible in any proceedings and may be taken into account e.g. when determining the amount of any reward. The Minister reserves the right to change or depart from the guidance in this Code at any stage or in relation to any matter.
- 1.2 The purpose of the Heritage (Jersey) Law 202- is both to ensure that knowledge of the archaeological heritage is safeguarded as a source of the collective memory and as an instrument for historical and scientific study, and that objects of particular archaeological and historical significance to Jersey are secured in the public museum collection managed by the Jersey Heritage Trust for the benefit of the Public of the Island.
- 1.3 This Code sets out a step-by-step guide to the procedures for managing the discovery of archaeological objects, and the roles and responsibilities of all parties involved in the process. In addition, the Code provides detailed guidance on the licensing requirements for conducting archaeological excavations on non-designated sites. See **Appendix A – Process Flowchart for Archaeological Finds**

2 Definitions

Accessioning

The formal process of entering an object into the public museum collection managed by the Jersey Heritage Trust.

Archaeological Excavation

An intrusive investigation on or under land or the seabed (whether or not the investigation involves the removal of the surface) for the purpose of:

- (a) generally searching for archaeological objects; or
- (b) exposing or examining any particular structure or item of archaeological interest.

Archaeological Object

An object found on or under land, foreshore, or seabed of Jersey which:

- (a) has been created or modified by human activity and is 300 years old or more at the time of discovery, or is of historical interest despite being less than 300 years old;
- (b) is historical human remains or ancient animal remains; or
- (c) is classified as Treasure Trove.

Assemblage

A group of archaeological objects found in the same context—such as a site, stratified deposit, or specific feature like a burial—that are associated with one another.

Chance Find

Any archaeological object discovered outside of organised archaeological fieldwork. This includes all finds made using metal detectors. Chance finds may consist of single items or assemblages from any period.

Code of Practice

An advisory document providing guidance and best practice for finders, archaeologists, and relevant authorities in relation to archaeological finds, Treasure Trove, Jersey National Antiquities, and reward determinations.

Collections Agreement

The agreement between the Government of Jersey and the Jersey Heritage Trust for the management of publicly owned cultural objects.

Compacted Sub-surface (of a beach or foreshore)

The undisturbed layers of sediment or soil located beneath the surface sand layers, which may preserve archaeological evidence due to limited exposure and disturbance.

Delegated Body

The Jersey Heritage Trust, acting under authority delegated by the Government of Jersey.

Find

An archaeological object, or two or more objects found together or within the same archaeological context.

Finder

The individual who reports the discovery of an archaeological object, whether found by chance or through activities such as metal detecting or field walking.

Finds Liaison Officer

A professional staff member of the Jersey Heritage Trust responsible for recording archaeological finds made by the public.

Findspot

The precise location where an object is discovered.

Historic Environment Record

A comprehensive database of Jersey's archaeological sites, historic buildings, landscapes, and recorded finds, including Treasure Trove and Jersey National Antiquities.

Hoard

A collection of objects that were intentionally buried or hidden.

Human Remains

The bodies or body parts of once-living individuals from the genus Homo, including Homo sapiens and Homo neanderthalensis.

Jersey Heritage Trust

A nationally accredited organisation responsible for Jersey's major historic sites, museums, archives, and collections. It is established under the 1983 Act of Incorporation and manages the Island's Historic Environment Record.

Jersey National Antiquity

A find that is:

- (a) so closely connected with Jersey's national life and history that its loss would be a misfortune;
- (b) of outstanding aesthetic importance;
- (c) of significant value to the study of Jersey's art, learning, or history; or
- (d) otherwise of cultural interest.

Listed Place

An archaeological site legally protected under the Planning and Building (Jersey) Law 2002.

Metal Detecting Survey

A structured archaeological survey using metal detectors to recover and spatially record surface metal finds.

Minister

The Minister of the Government of Jersey responsible for heritage matters, currently the Minister for Sustainable Economic Development.

National

Pertaining to the Bailiwick of Jersey.

Organised Archaeological Fieldwork

Field projects conducted according to recognised archaeological standards to recover data systematically.

Ploughsoil

The uppermost soil layer disturbed by agricultural activity, typically 25–30 cm deep in Jersey.

Receiver of Wreck

As defined in the Shipping (Jersey) Law 2002, the Harbour Master is responsible for administering reports of wreck finds.

Recreational Metal Detecting

The hobby of using a metal detector to search for buried coins or artefacts.

Registered Archaeological Organisation

An organisation recognised by the Government of Jersey for adhering to professional archaeological standards, including the Code of Conduct of the Chartered Institute for Archaeologists.

Reward

A discretionary payment made by the Minister to the finder, landowner, or other relevant parties for the discovery of a Jersey National Antiquity.

Treasure Trove

An object that:

- (a) is composed of more than 50% gold or silver;
- (b) was deliberately hidden with the intention of later recovery; and
- (c) has no known owner or heir.

Viscount

The Viscount's Department, which acts as Coroner and determines whether an object qualifies as Treasure Trove or a Jersey National Antiquity.

3 Reporting of Objects

- 3.1 Whenever an object is discovered - whether by chance or through activities such as metal detecting, beachcombing, field walking or fishing - the finder must consider whether it may qualify as an 'archaeological object' under the law i.e. the object appears to have been created or modified by human activity and is likely to be over 300 years old, or if more recent, it holds particular historical significance.
- 3.2 Archaeological objects are not limited to metal items. They can be made from a wide range of materials including flint, pottery, glass and wood. The definition also extends to historically significant human remains and ancient animal remains.
- 3.3 Certain types of objects - such as unworked natural objects and items made of modern materials, as outlined in Appendix B - are generally not regarded as being of archaeological interest and therefore do not need to be reported, unless they appear to hold particular historical significance to Jersey's distinctive culture and heritage. When in doubt, it is best for the finder to err on the side of caution and report any object they believe may be of potential interest. See **Appendix B – Guidelines on Objects Not Requiring Mandatory Reporting**.
- 3.4 Otherwise, the finder is required to report the object to the Finds Liaison Officer at the Jersey Heritage Trust as soon as possible and in any event no later than 14 days

beginning on the day after the day on which the object is found. It is recommended that such a report is made via the finds reporting form found on the Jersey Heritage website. If necessary, a report can be made in person, by telephone or by email. See **Appendix C – Directory of Useful Contacts**. See *Heritage (Jersey) Law 202-; Part 2, 5(1)*.

- 3.5 Please note that conservation advice can be time critical and objects such as waterlogged wood or iron objects will need treating immediately upon discovery. The Finds Liaison Officer will liaise with the museum conservator as soon as they are notified about an object.
- 3.6 The finder must provide the Finds Liaison Officer with all relevant details about the discovery, including the most accurate possible location of the findspot. This may be recorded using latitude and longitude coordinates via a GPS device or mobile phone application (e.g. Google Earth or what3words), an 8-figure Jersey Grid Reference taken in the field or, if these are not available, by marking the location on a 1:25,000 scale map. See *Heritage (Jersey) Law 202-; Part 2, 5(2)*.
- 3.7 Although many chance finds are recovered from disturbed contexts - such as ploughsoil or surface sand layers on beaches - where objects may have shifted from their original locations, valuable information can still be gained by accurately recording the findspot. For example, distribution mapping may help identify or connect scattered hoards or reveal broader patterns of object deposition across the landscape.
- 3.8 The finder must deposit the object with the Jersey Heritage Trust within one month of being requested to do so by the Finds Liaison Officer. The Finds Liaison Officer will give the finder a receipt on delivery of the find and retain the object in safe storage until its future is determined. See *Heritage (Jersey) Law 202-; Part 2, 5(3)*.
- 3.9 If the finder believes they have discovered a partially visible archaeological object in undisturbed ground - such as beneath the ploughsoil or within the compacted sub-surface of a beach – or if they notice a concentration of finds or unusual materials, the finder should stop digging immediately and contact the Finds Liaison Officer to report the discovery and seek guidance. These types of finds - whether individual objects or groups - and their surroundings are best understood through careful investigation by an archaeologist. Such notification will not prejudice the finder's and/or landowner's position for any reward. The finder should refrain from publicising the discovery, including through social media or other public platforms.
- 3.10 If a finder removes an archaeological object from undisturbed ground without notifying the Finds Liaison Officer, they will be required to justify their actions and such conduct may adversely affect their eligibility for any reward.
- 3.11 The finder is also required to report the discovery of archaeological objects deliberately hidden or buried within the structure of a building. This includes items such as a witch-bottle, and deliberately concealed garments (sometimes with the space intentionally sealed afterwards).
- 3.12 Individuals deliberately searching for objects, such as metal-detector users, must not work on a Listed Place without prior permission from the Government of Jersey. Metal-detecting is

also restricted on Crown property, common land Commune de Fief, and National Trust for Jersey land. See **Appendix D – Code of Conduct for Responsible Metal Detecting in Jersey**.

- 3.13 Any person who acquires an archaeological object - other than by finding it - must report it to the Finds Liaison Officer if they have reasonable grounds to believe it has not already been disclosed to the Finds Liaison Officer by the original finder. In such cases, the object must be reported no later than 28 days beginning on the day after the day on which the person becomes aware they have acquired an archaeological object. See *Heritage (Jersey) Law 202-; Part 2, 5(4)*.
- 3.14 Exceptions to reporting are: (a) the discovery of human remains, which should not be disturbed and must immediately be reported to the States of Jersey Police; (b) the discovery of explosives or munitions, which should not be disturbed and must immediately be reported to the States of Jersey Police or the coastguard; and (c) the discovery of objects found in or on wrecks, which must be reported to the Receiver of Wrecks. See *Heritage (Jersey) Law 202-; Part 2, 6(2)*.
- 3.15 The States of Jersey Police will assess the remains in accordance with the *Procedure for Identification of Found Bones 2014*. If the bones are found to be human, but do not appear to be recent and are not immediately suspicious, the Police will notify the Jersey Heritage Trust. If the Receiver of Wreck determines that the wreck may be, or may contain, an archaeological object, they will inform the Jersey Heritage Trust. See **Appendix E – Guidance for the Care of Human Remains**. See *Heritage (Jersey) Law 202-; Part 4A, 23*.
- 3.16 When an object is discovered through organised archaeological fieldwork conducted by a Registered Archaeological Organisation - whether as part of a planning decision for a designated site or a licence for archaeological excavation on a non-designated site - the organisation is responsible for conducting the finds assessment and subsequently depositing the assemblage and site archive with the Jersey Heritage Trust upon completion of post-excavation work.
- 3.17 When the deposited assemblage and site archive is received by Jersey Heritage, the Finds Liaison Officer will assess whether any of the objects may qualify as Treasure Trove or as a Jersey National Antiquity. If so, the landowner may be eligible for a reward.

4 Protection of Objects

- 4.1 The finder, or another person, must not discard, damage or destroy an object which they know or have reason to believe is an archaeological object, and must take reasonable measures to preserve it. Archaeological objects must not be improperly cleaned, repaired, or marked. Finders are expected to follow the guidance on the care of objects as outlined in this Code. See **Appendix F – Guidance on the Care of Objects**. See *Heritage (Jersey) Law 202-; Part 2, 7(1)*.
- 4.2 Once in receipt of an object, the Finds Liaison Officer will liaise with the museum conservator, curate and safely transfer the object until it is either returned to the finder or accessioned into the public museum collection managed by the Jersey Heritage Trust.

- 4.3 Where necessary, the Jersey Heritage Trust conservation staff will undertake conservation treatment and scientific analysis, including x-radiography, cleaning to clarify identification of the object, ‘first aid’ to ensure the material is stable, and repacking in the appropriate micro-climate.

5 Recording of Objects

- 5.1 When an object is reported to the Finds Liaison Officer, they will verify whether the findspot lies within a listed site. If it is determined that the object was removed from a protected site without the necessary permissions, the Finds Liaison Officer will notify the Government of Jersey Planning and Building Compliance.
- 5.2 If a reported find is clearly not of archaeological or historical interest - such as an unworked natural object or an item made from modern materials, as outlined in Appendix B - the Finds Liaison Officer will not make any record of it and the object will remain in the possession of the finder.
- 5.3 In all other cases, the Finds Liaison Officer will conduct a preliminary assessment of the object, within a reasonable timeframe, to determine whether it holds sufficient archaeological or historical interest to warrant inclusion in Jersey’s Historic Environment Record. All archaeological objects of interest which are 300 years of age or older are likely to be recorded. The recording of later objects will be more selective. See **Appendix G – Guidance on the Historic Environment Record for Jersey**. See *Heritage (Jersey) Law 202-; Part 3, 8(1)*.
- 5.4 If a reported find qualifies as an archaeological object under the law but is deemed to be of insufficient interest for formal recording – such as a common type or a fragmentary survival of limited value - it will either remain in the possession of the finder or be returned to them by the Finds Liaison Officer at the earliest opportunity, accompanied by a guidance note on ownership. In these instances the Finds Liaison Officer will log that the find was reported, with summary details about the finder and object. If the finder does not want the object returned, the Jersey Heritage Trust reserves the right to dispose of the object as it thinks fit. See **Appendix H – Guidance Note on Ownership**. See *Heritage (Jersey) Law 202-; Part 3, 8(4)*.
- 5.5 If an object is assessed to be of archaeological or historical significance, the Finds Liaison Officer will create a record in the Historic Environment Record and prepare a ‘Finds Identification Report’. This report includes a detailed description, high-quality scale photographs, research into the object’s archaeological significance, and any expert opinions obtained.
- 5.6 The Finds Liaison Officer, informed by this appraisal, will then evaluate whether the archaeological object may be Treasure Trove as defined in the Heritage (Jersey) Law 202-, or may be a Jersey National Antiquity when assessed against the appropriate criteria. See **Appendix I – Definition of Treasure Trove & Appendix J – Criteria for Designation as a Jersey National Antiquity**.
- 5.7 If the Finds Liaison Officer considers the object may be Treasure Trove, they will inform the person who reported its finding or acquisition, the Receiver General and the Viscount

no later than 28 days after the day on which that conclusion has been reached, issuing a 'Recommendation Report on Potential Treasure Trove' together with the finds identification report. See *Heritage (Jersey) Law 202-; Part 3, 8(2)*.

- 5.8 If the Finds Liaison Officer considers the object may be a Jersey National Antiquity, they will notify the finder (or the person who acquired the object) and the Viscount no later than 28 days after the day on which that conclusion has been reached, issuing a 'Recommendation Report on Potential Jersey National Antiquity' together with the finds identification report. See *Heritage (Jersey) Law 202-; Part 3, 8(3)*.
- 5.9 Where applicable, the recommendation report will outline how the object meets the legal definition of Treasure Trove under the Heritage (Jersey) Law 202- and identify which criteria for designation as a Jersey National Antiquity are satisfied. The report will also include observations on the reporting, treatment and deposition of the object. The financial value of the object is not a relevant consideration in this assessment.
- 5.10 If the Finds Liaison Officer determines that the object does not meet the criteria to recommend as Treasure Trove or a Jersey National Antiquity, it will be returned to the finder. The finder will be notified and provided with the finds identification report, along with a guidance note on ownership.
- 5.11 It is the finder's responsibility to collect the object once notified by the Finds Liaison Officer. If the finder does not want the object or in the event of the object not being collected within 100 days of that notification the Jersey Heritage Trust reserves the right to dispose of the object as it thinks fit including accessioning into the museum collection, retaining as part of a handling collection or discarding. See *Heritage (Jersey) Law 202-; Part 3, 8(4)*.
- 5.12 The process - from the initial report by the finder to the notification of the Viscount - will normally be completed within six months. In exceptional circumstances, such as particularly complex finds or large hoards, this timeframe may need to be extended.

6 Treasure Trove and Jersey National Antiquities

- 6.1 When the Viscount receives notification from the Finds Liaison Officer, they will hold an inquest into whether the archaeological object is Treasure Trove or a Jersey National Antiquity (or both). See *Heritage (Jersey) Law 202-; Part 4A, 20A(1)*.
- 6.2 The Viscount will give their findings in writing. The finder should retain a copy of the Viscount report for as long as they retain the object, and pass it on with the object if it is given away or otherwise disposed of. See *Heritage (Jersey) Law 202-; Part 4A, 20B*.
- 6.3 If the outcome of the inquest is that the object is not Treasure Trove or a Jersey National Antiquity it will be returned to the finder.

- 6.4 The exception is for any object found on the foreshore or other land conveyed to the Public of the Island, in which case the Jersey Heritage Trust can directly choose whether to accession the object into the public museum collection. See *Heritage (Jersey) Law 202-; Part 4A, 20C(3)*.
- 6.5 It is the finder's responsibility to collect the object from the Finds Liaison Officer once notified. The finder can still choose to donate the object to the public museum collection at this stage if they so wish. Otherwise if the finder does not want the object returned, or in the event of the object not being collected within 100 days of that notification, the Jersey Heritage Trust reserves the right to accession the object into the public museum collection or to dispose of the object as it thinks fit. See *Heritage (Jersey) Law 202-; Part 4A, 20C(4)*.
- 6.6 If the outcome of the inquest is that the object is a Jersey National Antiquity, it belongs to the Public of the Island. See *Heritage (Jersey) Law 202-; Part 3, 9(1)*.
- 6.7 If the outcome of the inquest is that the object is Treasure Trove, it is held by the Minister in trust for the Crown. See *Heritage (Jersey) Law 202-; Part 3, 10*.
- 6.8 The Minister will ensure that Treasure Trove and Jersey National Antiquities are preserved and protected by depositing such objects with the Jersey Heritage Trust. The Trust will accession them into the public museum collection and will be responsible for their administration and conservation on behalf of the Crown and/or the Public of the Island, in accordance with the terms of the Collections Agreement.

7 Determination of Reward

- 7.1 The Minister may pay a reward to the finder of a Jersey National Antiquity (which is not classified as Treasure Trove), the owner of the land on which the object was found and any other person the Minister considers appropriate, in recognition of the cultural value of the object.
- 7.2 Following consultation with the Receiver General, the Minister may pay a reward to the finder of a Jersey National Antiquity that qualifies as Treasure Trove, to the owner of the land on which the object was found and to any other person the Minister and the Receiver General considers appropriate, in recognition of the cultural value of the object. See *Heritage (Jersey) Law 202-; Part 3, 11(1)*.
- 7.3 The finder and/ or landowner has the opportunity to: (a) waive any possible reward payment to allow the Jersey Heritage Trust to acquire the object on behalf of the Public of the Island without payment; or (b) make an application in the manner specified by the Minister for a reward within 28 days after the Viscount provides the finding of the inquest. See *Heritage (Valuation of Reward) (Jersey) Regulations 202- ; Article 2*.
- 7.4 Human remains, including those contained within objects such as reliquaries, are excluded from the reward valuation process.
- 7.5 When determining the appropriate reward for a Jersey National Antiquity that is not classified as Treasure Trove, the Minister must consult suitably qualified experts with specialisms in fields

such as archaeology, history, numismatics, and antiquities. Rewards will be linked to the market value of the object but will not exceed it. These valuations may differ from auction-based comparisons, as they exclude additional costs such as auction house commissions, which typically represent around 20% of the final sale price. See *Heritage (Valuation of Reward) (Jersey) Regulations 202- ; Article 4(1)*.

- 7.6 When determining the appropriate reward for an object that is Treasure Trove, the Minister must consult suitably qualified experts as appear appropriate to the Minister as well as those who appear appropriate to the Receiver General. See *Heritage (Valuation of Reward) (Jersey) Regulations 202- ; Article 4(2)*.
- 7.7 If the finder and/or landowner are convicted under the Heritage (Jersey) Law, they will be ineligible to receive any reward. See *Heritage (Valuation of Reward) (Jersey) Regulations 202- ; Article 3(3)*.
- 7.8 The Minister may also review the circumstances of a case to determine whether there are grounds for reducing the reward - such as instances where the finder or landowner has contravened articles of the Heritage (Jersey) Law or failed to adhere to the Code of Practice. See **Appendix K – Guidance on the Reduction of Rewards**.
- 7.9 The Minister will allocate the reward equally between the finder and the landowner on a 50:50 basis. Where there is more than one finder and/or more than one landowner, it is the responsibility of those parties to agree on how their respective shares are to be apportioned.
- 7.10 The responsibility for demonstrating that permission has been granted by the landowner to search for and remove objects rests solely with the finder.
- 7.11 No reward will be payable for finds made by archaeologists or individuals engaged in formal archaeological excavations or investigations.
- 7.12 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.
- 7.13 The Minister will send the reward payment by electronic means into a bank account(s) advised by the finder and/or landowner. If the finder and/or landowner fails to provide bank account details within 100 days of the request to do so, no reward payment will be made.
- 7.14 The Jersey Heritage Trust will publish an annual report detailing Treasure Trove and Jersey National Antiquities acquired under the Heritage (Jersey) Law 202-.
- 7.15 The entire process - from the initial report by the finder to the reward payment and the accessioning of the object into the public museum collection managed by the Jersey Heritage Trust - will typically be completed within 12 months. In exceptional circumstances, such as particularly complex finds, this timeframe may need to be extended.

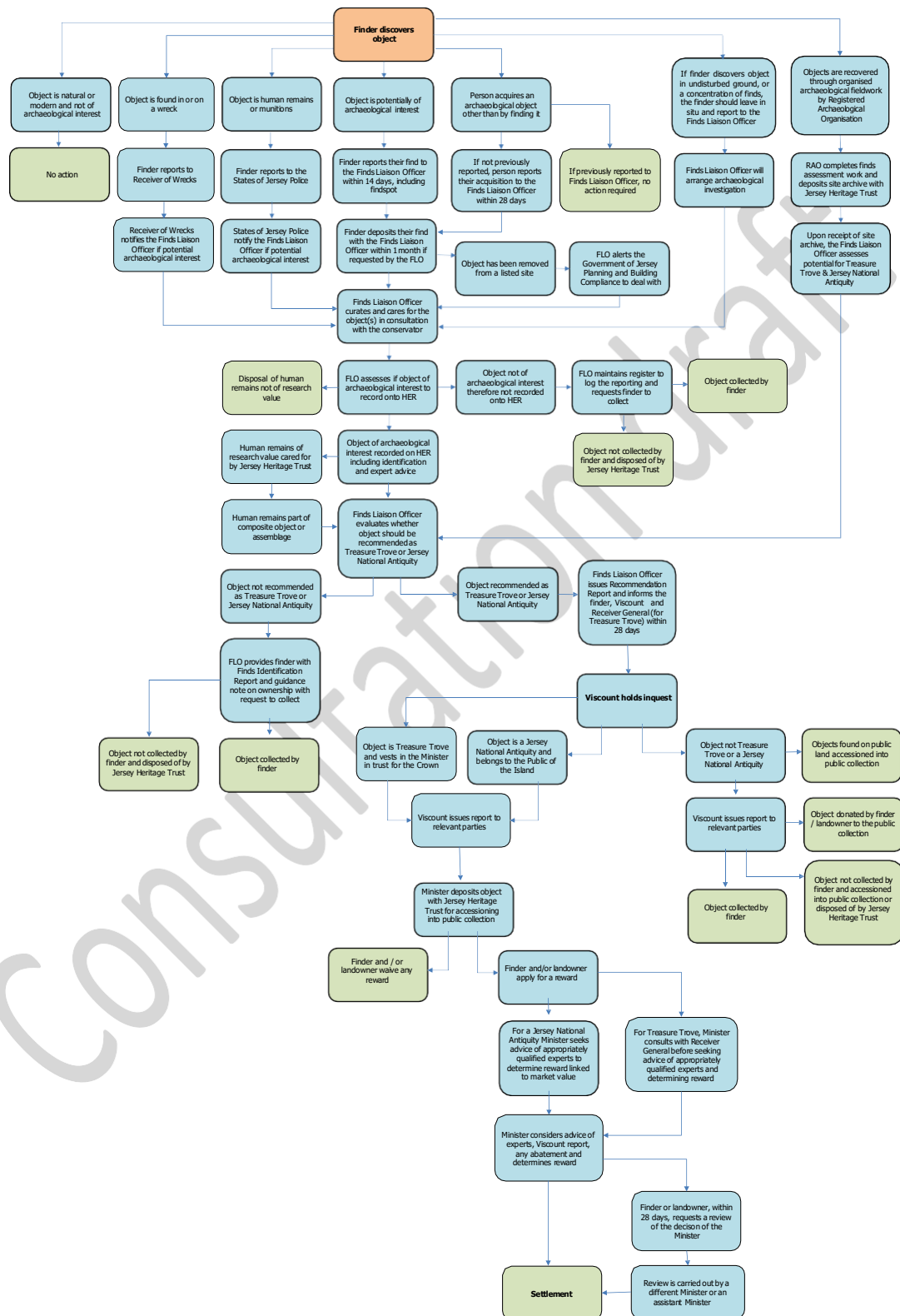
8 Licensing of Archaeological Excavation

- 8.1 Archaeological excavation is controlled in Jersey to ensure that work is undertaken to a sufficient standard, and that archaeological remains are properly recorded and cared for.
- 8.2 Archaeological excavation is defined as, ‘*an intrusive investigation on or under land or the seabed (whether or not the investigation involves the removal of the surface of the land or seabed) for the purpose of searching (a) generally for archaeological objects; or (b) for, exposing or examining any particular structure or thing of archaeological interest. See **Heritage (Jersey) Law 202-; Part 5, 16(3).***
- 8.3 This definition encompasses a wide range of activities, including: trial trenches and test pits; subsurface sampling such as borehole, auger or core surveys; metal detecting; and any other form of intrusive investigation on land, the foreshore, or the seabed in Jersey, where the purpose is to search for archaeological objects, structures or deposits.
- 8.4 Any person intending to undertake such works must obtain a licence under Article 16 of the Heritage (Jersey) Law 202-, unless one of the following circumstances applies:
- The activity is permitted under Article 55(3) of the Planning and Building (Jersey) Law on a listed site (either consent for the works has been granted, or the activity is specified as a permitted activity in the entry on the List of Sites of Special Interests relating to the site).
 - The investigation is conducted in accordance with conditions of a planning permission granted under Article 19 of the Planning Law.
 - The work is carried out on behalf of the Jersey Heritage Trust solely to secure an archaeological object or structure at imminent risk of loss, destruction or decay.
 - The investigation does not disturb land below the ploughsoil on agricultural land (please note that the depth of ploughsoil varies across the island but is typically 25–30 cm) or does not disturb the compacted sub-surface below the surface layer on the foreshore. See ***Heritage (Licensing of Archaeological Excavations) (Jersey) Regulations 202-; Article 3.***
- 8.5 Metal detecting and other forms of excavation therefore do not require a licence providing:
- The site is not a Site of Special Interest (Listed Building or Listed Place) which has been protected for its archaeological interest.
 - Any digging is on agricultural land, and is within the depth of the ploughsoil.
 - Any digging on the foreshore is within the surface layer and does not penetrate the compacted sub-surface (hard-pack) beneath.
- 8.6 This allows for the majority of recreational metal detecting (i.e. searching for coins or artefacts as a hobby) to take place without a licence. Note that permission from the landowner is always required for metal detecting. For further details see ***Heritage (Jersey) Law 202- Code of Practice; Section 3.12.***

- 8.7 Licences are issued by the Chief Officer of the Regulation Directorate at Infrastructure and Environment. It is an offence to conduct such investigations without a valid licence. See **Appendix C – Directory of Useful Contacts & Appendix L – Standard Application Form for Archaeological Excavation Licence**. See *Heritage (Jersey) Law 202-; Part 5, Article 16 & Heritage (Licensing of Archaeological Excavations) (Jersey) Regulations 202-; Article 2*.
- 8.8 A separate licence is required for each site and programme of archaeological excavations.
- 8.9 The application must include the following information:
- Plans showing the proposed area in which the archaeological excavation would take place, including:
 - A location plan at scale 1:2500 showing the boundaries of the site.
 - A site plan at a smaller scale showing where in the site the proposed excavation would take place.
 - A programme of works describing the nature of the proposed excavation. This document should detail all aspects of the project, including:
 - The methodology that will be employed.
 - The expected duration of the excavation.
 - The standards that will be adhered to in all aspects of the project.
 - The reports and publications that will be produced.
 - The research objectives of the excavation; these should normally be aligned with the Archaeology Research Framework & Research Agenda published by Jersey Heritage.
 - The Historic Environment Record for Jersey reference number, and evidence that the project is informed by HER data; if a reference number has not yet been created this should be arranged with Jersey Heritage prior to the application being submitted.
 - Confirmation of landowner consent.
 - Details of each nominated excavation director, including a CV demonstrating relevant qualifications and/or experience. This person (or persons) has/have responsibility for the conduct of the proposed archaeological investigation in the field and must:
 - Be present on-site during all works (except for necessary absences).
 - Ensure compliance with the programme of works.
 - Create an appropriate site archive.
 - A fee may be required for each application.
- 8.10 Before granting a licence the Chief Officer must publish details of the proposed investigation and consider public representations.

- 8.11 The Chief Officer will consult with the Jersey Heritage Trust (as the delegated body) on licence applications, and other relevant experts as needed. See ***Heritage (Licensing Of Archaeological Excavations) (Jersey) Regulations 202-; Article 5(6)***.
- 8.12 If a licence is granted, it will specify the area in which the archaeological excavation may take place, the nature of the investigation, the period for which the licence is valid, and the name of each person responsible for the conduct of the investigation. The licence may contain any conditions that the Chief Officer considers necessary.
- 8.13 Unless agreed otherwise with the landowner and/or occupier, the applicant must restore the site and its surroundings to their original condition immediately on completion of the works.
- 8.14 The Chief Officer has the power to vary or revoke licences after they have been granted. This will normally only happen if applicants are not considered to be complying with the conditions of the licence, or if external factors mean that the licence cannot be implemented as granted. Applicants may also request that a licence be varied.
- 8.15 Carrying out archaeological excavations without a licence or failing to comply with the terms of a licence is an offence and is liable to a fine.
- 8.16 All archaeological objects discovered are subject to the Heritage (Jersey) Law 202- . The nominated excavation director is responsible for conducting a finds assessment and subsequently depositing the assemblage and site archive with the Jersey Heritage Trust at the conclusion of post-excavation work. See ***Heritage (Jersey) Law 202- Code of Practice; Section 3.16***.
- 8.17 A comprehensive report must be submitted to the Historic Environment Record for Jersey within one year of completing the excavation work. The report should include a fully illustrated and detailed account of the investigation, any specialist reports on artefacts and ecofacts, dating results for significant findings, and a comparative analysis of results.
- 8.18 If a licence is refused, the Chief Officer must provide written reasons. Licences may also be varied or revoked. See ***Heritage (Licensing Of Archaeological Excavations) (Jersey) Regulations 202-; Article 5(7)***.
- 8.19 An applicant may appeal a decision to the Minister within 28 days of notification. See ***Heritage (Licensing Of Archaeological Excavations) (Jersey) Regulations 202-; Article 8***.

Appendix A – Process Flowchart for Archaeological Finds



Appendix B – Guidelines on Objects Not Requiring Mandatory Reporting

Certain types of objects - such as unworked natural objects and items made of modern materials, as outlined in this appendix - are generally not regarded as being of archaeological interest and therefore do not need to be reported, unless they appear to hold particular historical significance to Jersey's distinctive culture and heritage.

As a general guide, the following items do not require reporting:

- Objects - including coins - that are **less than 300 years old** (i.e. dating from after the early 1700s);
- **Unworked natural objects** such as fossils, stones or minerals in their original state as extracted from natural deposits;
- **Unworked animal remains** - such as bones or seashells - unless they show signs of human modification (e.g. carving or engraving) or originate from ancient or extinct species such as mammoths;
- Objects made of **aluminium** - a material first discovered and mass-produced in the 19th century;
- Objects made from **stainless steel** – a material developed in the early 20th century;
- **Electroplated** metal objects – first developed in the early 19th century;
- Objects made from **plastic** or **synthetic polymers** - such as Bakelite or polyethylene, which were developed in the 19th century;
- Mass-produced **moulded glass** dating from the 18th century onwards;
- **Transfer-printed pottery** (also known as transferware) - such as blue and white ceramics commonly found on the foreshore, developed in the 1750s and widely popular throughout the 19th century;
- Objects made from **modern concrete** - first formulated in 1756;
- **Modern machinery components** - such as vehicle engine parts.

When in doubt, it is best for finders to err on the side of caution and report any object they believe may be of potential interest.

Appendix C – Directory of Useful Contacts

<p>Finds Liaison Officer Jersey Archive Clarence Road St Helier Jersey JE2 4JY Tel: dedicated number Email: flo@jerseyheritage.org</p>	<p>Jersey Heritage The Weighbridge St Helier Jersey JE2 3NG Tel: +44(0)1534 633300 Email: info@jerseyheritage.org</p> <p>Conservators Neil.Mahrer@jerseyheritage.org Harry.Richards@jerseyheritage.org</p>
<p>States of Jersey Police Police Headquarters La Route du Fort St. Helier Jersey JE2 4PA Tel: +44(0)1534 612612 Email: hello@jersey.police.je</p>	<p>Receiver of Wreck Director of Customs and Excise Email: customs@gov.je</p>
<p>Viscount's Department Morier House Halkett Place St Helier Jersey JE1 1DD Tel: +44(0)1534 441400 Email: viscount@courts.je</p>	<p>Minister for the Environment Cabinet Office PO Box 228 Jersey JE4 9SS Tel: +44(0)1534 445508 Email: planning@gov.je</p>
<p>Minister for Sustainable Economic Development Department for the Economy Union Street St Helier Jersey JE2 3DN Tel: +44(0)1534 440183 Email: economy@gov.je</p>	<p>Regulation Directorate Infrastructure and Environment PO Box 228 Union Street St Helier Jersey JE2 3DN Tel: +44(0)1534 445508 email: planning@gov.je</p>

Appendix D – Code of Conduct for Responsible Metal Detecting in Jersey

Code of Conduct for Responsible Metal Detecting in Jersey (2025)

If undertaken responsibly metal-detecting can make an important contribution to archaeological knowledge. This document aims to provide guidance for metal-detectorists who wish to contribute to our understanding of the history of Jersey. It combines both the requirements of finders under the law, as well as more general voluntary guidance on accepted best practice. Under Jersey law all archaeological objects must be reported. Those objects determined to be Treasure Trove belong to the Crown, and those determined to be a Jersey National Antiquity belong to the Public of the Island.

Being responsible means:

Before you go metal-detecting

- 1 Obtaining permission to search from the landowner regardless of the status, or perceived status, of the land. Remember that all land has an owner and an occupier (such as a tenant farmer). Be aware that ownership of the foreshore (i.e. beaches) and seabed was gifted by the Crown to the Public of Jersey in 2015. The Public recognises that metal detecting is a pastime that is often undertaken in an environment like the foreshore. Metal detecting that is reasonable and within guidance is a tolerated activity on the foreshore but those taking part should remain mindful at all times that there may be related statutory obligations and requirements and so are encouraged to check the Government of Jersey websites for any further information. For other areas of public land, metal detectorists are advised to seek consent from Jersey Property Holdings before undertaking their activities. See *Heritage (Jersey) Law 202- Code of Practice; Sections 8.4 - 8.6*.
- 2 Obeying the law concerning protected sites (such as those defined as Listed Places), and also those other sites on which metal-detecting might also be restricted (such as Crown property, common land *Commune de Fief*, and National Trust for Jersey land). You can obtain details of these sites from several sources, including the landowner/occupier. The Finds Liaison Officer or Historic Environment Record will help you research and better understand the site. Take extra care when detecting near Listed sites since it is not always clear where the boundaries of these lie on the ground.
- 3 Familiarising yourself with Jersey's Historic Environment Record **her.jerseyheritage.org** including contact details for the **[Finds Liaison Officer](#)**, and importantly with the guidance on the reporting of finds and the care of archaeological objects within the Jersey (Heritage) Law 202- Code of Practice.
- 4 Obtaining public liability insurance (to protect yourself and others from accidental damage), such as that offered by the National Council for Metal-Detecting or the Federation of Independent Detectorists.

While you are metal-detecting

- 1 Working on ground that has already been disturbed (such as ploughed land or that which has formerly been ploughed), and only within the depth of ploughing. If detecting takes place on pasture, be careful to ensure that no damage is done to the archaeological value of the land,

including earthworks. Do not damage stratified archaeological deposits (that is to say, finds that seem to be in the place where they were deposited in antiquity) and minimise any ground disturbance through the use of suitable tools and by reinstating any ground and turf as neatly as possible.

- 2 Stopping any digging and making the landowner aware that you are seeking expert help if you discover something below the ploughsoil, or a concentration of finds or unusual material, or wreck remains. The Finds Liaison Officer may be able to help or will be able to advise on an appropriate person. Reporting the find does not change your rights of discovery or prejudice your position for any reward, but will result in far more archaeological evidence being recovered. Do not advertise the discovery, for example, on social media.
- 3 Recording findspots as accurately as possible for all archaeological finds, either by recording latitude and longitude using a hand-held Global Positioning Systems (GPS) device or mobile phone app such as Google Earth or what3words; recording an 8-Figure Jersey Grid Reference whilst in the field or a 1:25000 scale map if this is not possible. Bag finds individually, recording the location reference on the bag with a waterproof/indelible marker. The Finds Liaison Officer is interested in learning about all archaeological finds you discover, not just metallic items, because such finds contribute to knowledge.
- 4 Respecting [The Jersey Countryside code](#) i.e. leave gates and property as you find them and do not damage crops, frighten animals, or disturb ground nesting birds, and dispose properly of litter.

After you have been metal-detecting

- 1 Abiding by the law by reporting all archaeological objects to the Finds Liaison Officer as soon as possible and in any event no later than 14 days after the discovery as set out in the Jersey (Heritage) Law 202- Code of Practice; also informing the relevant landowner / occupier of the discovery.
- 2 Abiding by the law which defines an 'archaeological object' as an object found on or under land, foreshore or seabed of Jersey which: (a) has been created or modified by human activity and which is 300 years of age or older at the time of discovery or is not 300 years of age or older but is, or appears to be, of historical interest; (b) is historical human remains or ancient animal remains; or (c) is Treasure Trove. If in doubt it is best to err on the side of caution and report any object you think may be relevant.
- 3 The law Code provides guidance on some types of object that are not of archaeological interest and therefore do not need to be reported, such as unworked natural objects and things made of modern materials.
- 4 Calling the Police (01534 612612), and notifying the landowner/occupier, if you find any traces of human remains or a likely burial. Do not disturb the human remains.
- 5 Calling the Police or the coastguard, and notifying the landowner/occupier, if you find anything that may be a live explosive, device or other ordnance. Do not attempt to move or interfere with any such explosives.

- 6 Calling the Police if you notice any illegal activity whilst out metal-detecting, such as theft of farm equipment or illegal metal-detecting (nighthawking).
- 7 Reporting the discovery of objects found in or on wrecks to the Receiver of Wrecks.
- 8 Caring for the object and taking reasonable measures to preserve it. Archaeological objects must not be improperly cleaned, repaired, or marked. Guidance is provided in the Jersey (Heritage) Law 202- Code of Practice.
- 9 Many of the objects you discover will be returned to you by the Finds Liaison Officer. The Viscount will hold an inquest into the small number of archaeological objects that may be Treasure Trove or a Jersey National Antiquity as set out in the Jersey (Heritage) Law 202-. If you retain ownership of an object of archaeological interest and wish to take it out of the Island, you will require an export licence issued by the Customs Department customs@gov.je / 01534 448000.

Finding out more about archaeology and metal detecting

- You can find out more about the archaeology of Jersey from Jersey Heritage www.jerseyheritage.org or the [Société Jersiaise](#)
- For further information about the recording and reporting of finds discovered by the public contact the Historic Environment Record JerseyHER@jerseyheritage.org or Finds Liaison Officer flo@jerseyheritage.org
- For further information about how you can become involved in archaeology contact the Société Jersiaise ([Société Jersiaise](#) / 01534 758314) or [Council for British Archaeology](#) (www.archaeologyuk.org / 01904 671417).
- You can find out about metal detecting via the Jersey Metal Detecting Society, the [National Council for Metal Detecting](#) (www.ncmd.co.uk), or the [Federation of Independent Detectorists](#) (www.fid.org.uk).

Based on the Code in England & Wales (2017 Revision) which has been endorsed by: Amgueddfa Cymru - National Museum of Wales / PAS Cymru, Association of Local Government Archaeological Officers, British Museum / Portable Antiquities Scheme, Chartered Institute for Archaeologists, Council for British Archaeology, Country Land & Business Association, Institute for Archaeology (University College London), Historic England, National Council for Metal Detecting, National Farmers Union, Royal Commission on the Historical & Ancient Monuments of Wales, Society of Museum Archaeologists.

Appendix E – Guidance for the Care of Human Remains

The term human remains is used to mean the bodies, and parts of bodies, of once living people from a Human species such as *Homo sapiens* or *Homo neanderthalensis*.

Human remains require special ethical considerations which are different from objects and must be treated with dignity and respect. Advice on best practice can be found in

[Guidance for the Care of Human Remains in Museums](#)

The discovery of human remains in Jersey must be reported immediately to the States of Jersey Police, who shall inform the Viscount, in accordance with the [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#). The human remains and any associated artefacts should not be disturbed.

The States of Jersey Police will assess the remains in accordance with the ‘Procedure for Identification of Found Bones 2014’. If the bones are found to be human, but do not appear to be recent and are not immediately suspicious, the Police will notify the Jersey Heritage Trust to carry out an assessment of archaeological significance.

No-one has a right of ownership of human remains but the Jersey Heritage Trust will take responsibility for the care of those human remains identified as being of archaeological significance and apply the highest standards of collections management in accordance with the ‘Jersey Heritage Collections Development Policy 2020’.

- Human remains can be held in the public museum collection managed by the Jersey Heritage Trust if it is satisfied that it can hold the remains in a lawful manner, provenance has been clearly established, there is no suspicion of illicit trade and the remains are of potential research value to the museum or wider scientific community.
- If the Jersey Heritage Trust is satisfied that the human remains are not of potential research value to the museum or wider scientific community, the remains will be disposed of following the advice in the ‘Guidance for the Care of Human Remains in Museums’ and in accordance with the directions of the Viscount and [Burials and Exhumations \(Jersey\) Law 2004](#).
- Under certain circumstances, the Jersey Heritage Trust’s governing body may take a decision to return human remains to a country or people of origin.

Human remains will not themselves be subject to the reward valuation process.

Where human remains form part of a composite object such as a holy relic mounted in a reliquary or have been reported as part of an archaeological assemblage which meets the criteria for Treasure Trove or a Jersey National Antiquity, the objects may be assessed for reward but the human remains will not themselves be subject to the valuation process.

Appendix F – Guidance on the Care of Objects

The following notes offer general guidance for the period between the removal of objects from the ground and their handover to the Finds Liaison Officer at Jersey Heritage, who will coordinate with an archaeological conservator. To minimise deterioration, this interval should be kept as brief as possible.

Once an archaeological object is removed from the ground, there is an inherent risk of deterioration. The primary concern must be to minimise this risk while also preserving any associated evidence. Surface deposits - such as dirt or corrosion - can contain valuable information about an object's use or context. For example, corrosion layers on coins may retain traces of textile wrappings, which can be lost through improper cleaning. To protect both the object and its contextual evidence, it is generally best to pack and store finds appropriately as soon as they are excavated. Prompt and careful handling helps to reduce deterioration and safeguard important details.

The Nature of Finds

Materials

Archaeological objects may be composed of a wide variety of materials, including metals (such as silver, gold, iron, copper alloys, zinc, lead, tin and pewter), ceramics, glass, stone, bone, antler, ivory, amber, jet, shale, wood and leather.

Condition

The condition of an object recovered from the ground often differs significantly from that of a similar object that has never been buried. Excavated items are typically more fragile, may appear altered, and are highly susceptible to further deterioration. Their condition and appearance are influenced by several factors, including the type of material, its state at the time of burial, and the characteristics of the burial environment.

Evidence

Soil and corrosion deposits surrounding an object can preserve valuable information about how it was made or used, as well as details about the burial environment. Inappropriate cleaning can easily destroy this evidence. Therefore, corrosion layers and soil concretions should be left intact until they can be properly assessed by a specialist.

Important Considerations for Finders

Finders should be especially mindful of the following:

- **Metal Objects**

The original surface of metal objects - particularly those made of iron, copper or silver alloys - is often preserved within the corrosion layers, not at the level of any surviving bright metal. Cleaning methods that indiscriminately remove corrosion can destroy this original surface and valuable historical information.

- **Glass Objects**

Similarly, decayed glass - especially when flaking or discoloured - retains its original surface within the corroded layers. These should not be cleaned off, as doing so may remove critical evidence.

- **Organic Material Evidence**

What may appear to be simple corrosion on metal objects can actually preserve traces of organic materials - such as textiles, leather, wood, bone, horn and other plant or animal products - that were associated with the object at the time of burial. These traces may not be visible to the untrained eye but can be identified by specialists. Such evidence is extremely fragile and can be quickly lost if damp or wet objects are allowed to dry out.

- **Decorative Features**

Corrosion layers may also contain delicate decorative elements such as gilding, inlays, enamel or niello. These features are easily damaged or removed by inappropriate cleaning.

- **Soil Deposits in Containers**

Soil found inside vessels or containers may contain pollen, seeds and other organic remains that provide clues about the vessel's contents and the burial environment. These deposits should be left undisturbed until examined by a specialist.

- **Pottery Vessels**

Ceramic pots may retain microscopic traces of their original contents - such as food or liquids - on the surface or within the clay fabric. These traces are not visible but can be detected through scientific analysis. Washing the pottery will remove this evidence.

- **Paint and Gilding on Other Materials**

Traces of paint, gilding or ground layers (such as gesso or plaster) may survive on stone, wood or leather objects. These are often subtle and easily lost through indiscriminate cleaning or removal of soil and burial concretions.

- **Coins**

Bent coins should not be straightened. While some may have been distorted by agricultural activity, others were intentionally bent as part of their historical use. Attempting to straighten them can cause cracking, as the metal is typically more brittle than when originally made.

Identifying Materials Without Cleaning

Some materials may retain an appearance similar to their modern counterparts even after centuries underground - for example, pure gold or gold-silver alloys. However, many other materials, particularly certain metals and types of glass, can look significantly different after burial. The condition and appearance of these materials can also vary greatly depending on the burial environment.

The table below provides visual clues to help identify materials without cleaning them, which is essential for preserving valuable archaeological evidence.

Material	Visual Clues (Without Cleaning)
Gold	Does not corrode and often appears yellow and well-preserved. May show orange, brown, or green hues if copper or silver has migrated to the surface or if buried near other metals. These surface colours can provide insights into composition and manufacturing and should not be cleaned off.
Silver	May appear bright and shiny, but is often tarnished with a black surface or covered in corrosion (lumpy, purple-grey colour) from exposure to the soil. Excavated silver is brittle and prone to cracking, especially if thin. Silver coins may appear in various colours.
Copper Alloys	Typically green or red; may appear black in waterlogged conditions. Watch for "bronze disease" - a damaging, powdery pale green corrosion resembling icing sugar.
Iron	Often appears as orange-brown lumps with soil embedded in corrosion. May conceal objects within rust layers—X-rays are often needed for identification. Corroded iron remains magnetic.
Lead	Appears grey and is very heavy. May become brittle and develop white, toxic corrosion. Always wear gloves and avoid disturbing white powder, which is hazardous.
Pewter	A tin-based alloy resembling lead. Appears silvery-grey with white or grey corrosion. Often brittle, laminated, or flattened. Attempting to reshape it is likely to cause damage.
Tin or Zinc	Tin has a dull, earthy surface; Zinc appears dull grey with white powdery encrustations and deep pitting.
Enamels	Usually found on copper alloy objects. May lose original colour and become fragile or powdery, resembling copper corrosion.
Composite Objects	May include both metal and organic components (e.g. a knife with a bone handle). Organic parts must not be allowed to dry out. Treat as organic material.
Mineralised Organics	Copper and iron can preserve organic materials through mineralisation. For example, textiles from garments may survive on the back of a brooch, or parts of a wooden shaft on an iron axehead.
Leather	Often deformed and fragile. Waterlogged leather appears very dark or black. Original form may be unrecognisable.
Bone/Antler/Ivory	Colour varies from pale to dark and cracked, depending on burial conditions. May absorb colours from nearby metal corrosion, especially copper.
Amber	Ranges from translucent yellow, cream, orange-brown to red. May develop a crazed outer crust.

Glass	Often difficult to identify. Original surface may be degraded, opaque or black iridescence, or flaking. Colour may change over time due to decay of colorants.
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When an object is removed from the soil, it undergoes a sudden and dramatic change in environment. This shift can destabilise the object - regardless of how long it has survived underground - leading to rapid and potentially irreversible deterioration.

Packaging and Storage Guidelines

To minimise deterioration, finds should be stored in appropriate environments immediately after recovery. The following table offers general guidance on suitable storage conditions for different materials. Always seek conservation advice where indicated.

Material	Recommended Storage Environment
Metals (iron and copper alloys showing signs of 'bronze disease')	Keep sealed in a container with the same damp soil in which they were found. Do not allow to dry out. Iron objects, especially in Jersey, often contain salts that cause long-term corrosion and crumbling. Once dried, iron cannot be re-treated with wet desalination methods. Seek conservation advice immediately.
Metals (non-ferrous) e.g. gold, silver, copper alloys Ceramics Unpainted stone	Store sealed in the same damp soil they were recovered from. Glazed ceramics may be damaged if dried while still salty, and low-fired ceramics can suffer surface loss due to salt crystallisation. Seek conservation advice.
Glass Ceramics (low-fired or with flaking glaze) Painted stone and plaster Metals with important organic remains (non-mineralised) Bone and ivory Amber, jet, and shale	Keep sealed in the same damp soil they were found in. These materials are highly sensitive to environmental changes and should be assessed by a conservator as soon as possible.
All materials from underwater marine sites Wood, leather, and textiles from waterlogged environments	Store wet, cool (refrigerated but not frozen), and in darkness. These materials are extremely vulnerable to drying and light exposure. Immediate conservation advice is essential.

Packaging Materials and Storage Practices

Packaging materials should serve three key purposes:

1. **Provide physical protection** for the object.

2. **Create and maintain an appropriate storage environment.**
3. **Be chemically inert**, ensuring they do not contribute to the object's deterioration.

Recommended Materials (commonly used by museums and archaeologists):

- **Polyethylene boxes** with snap-on (self-seal) lids (e.g. freezer storage boxes).
- **Polyethylene bags**, preferably self-sealing.
- **Polyethylene foam** (non-absorbent), such as *Jiffy foam* or *Plastazote*.
- **Polyether foam** (absorbent, open-cell structure).
- **Acid-free tissue paper**.
- **Permanent markers** for labelling boxes, bags, and tags (e.g. black felt-tip or ballpoint pens).

Note: Never write directly on the object.

Materials to Avoid:

- **Cotton wool**, which can snag on corrosion and is difficult to remove safely.
- **Foam rubber, velvet, and felt**, which can emit sulphur and tarnish metals like silver.
- **Organic packaging materials** (e.g. wood, cardboard, newspaper), which can promote corrosion—especially for lead.
- **Metal boxes**, which do not provide a stable, sealed environment.

Packaging Guidelines

- **Robust small finds** can be individually wrapped in polyethylene bags with padding (e.g. Jiffy foam), then placed in polyethylene boxes.
- **Separate materials** by type in different boxes to avoid cross-contamination.
- **Fill empty space** in boxes with foam or bubble wrap to prevent movement during transport.
- **Do not dry out** damp or waterlogged objects.

Creating Controlled Environments

- **Damp Environment:**
Place pads of damp (not wet) absorbent foam in the polyethylene box. For glass, layer between damp foam sheets.
- **Wet Environment:**
Either:
 - Fully immerse bagged finds in water, or
 - Place very wet foam pads in the box (more practical for transport).

Note: Waterlogged and marine finds require urgent professional advice.
- **Ambient Storage:**
Less vulnerable materials may be stored in acid-free cardboard boxes or polyethylene crates under normal conditions.

Labelling

- Always include a **label with find-spot information** inside the packaging.
- Ensure labels are legible, durable, and remain with the object at all times.

Visual Signs of Deterioration

The following table outlines common indicators that an object may be actively deteriorating. If any of these signs are observed, consult the Jersey Heritage conservator promptly and adjust the storage environment as needed.

Material	Signs of Deterioration
Copper Alloys	Bright, pale green powdery spots or patches – indicative of ‘bronze disease’.
Iron	Orange liquid on the surface; flaking, cracking, or laminating; appearance of bright orange, powdery corrosion.
Lead and Lead Alloys	White, powdery corrosion on the surface.
Ceramics and Stone	Whitish crystalline deposits (efflorescence) forming on the surface.
Any Material Stored Damp or Wet	Black spots, white fluffy growths, or a sulphurous “rotten egg” smell—signs of mould or bacterial activity.
Glass	Crazing, flaking, or delamination of the surface.
Wood, Bone, Ivory	Shrinkage, warping, or cracking—often due to drying or environmental instability.

Appendix G – Guidance on the Historic Environment Record for Jersey

The Jersey Heritage Trust, as the prescribed body on behalf of the Government of Jersey, compiles and keeps up-to-date a Historic Environment Record (HER) as a comprehensive and dynamic information resource relating to the archaeology and historic environment of the Bailiwick of Jersey.

The Historic Environment Record is available for public inspection by anyone interested in the archaeology, built heritage and history of Jersey. This includes online access (available at <https://her.jerseyheritage.org/>), a database linked to layers in a geographic information system (GIS) and a physical reference collection. An advanced level of access is available to *bona fide* researchers with proven accreditation and a research agenda.

The Historic Environment Record must be consulted by the Government of Jersey as a material consideration for planning and development-control work.

The scope of the Historic Environment Record includes:

- Information about every Listed Building and Listed Place in Jersey which is included on the List of Sites of Special Interest established under Article 51 of the Planning Law because of the special geological, archaeological, architectural, artistic, cultural or historical interest attaching to the building or site;
- Information about every Conservation Area designated under Article 56A of the Planning Law;
- Information about every Area of Archaeological Potential (AAP) which is designated under Article 6 (4)(a) of the Planning Law;
- Information about other sites in Jersey (or the territorial waters of Jersey) which the Jersey Heritage Trust considers to be of archaeological, architectural, artistic, cultural or historical interest;
- Information about archaeological objects which are reported under this Law, found in the course of archaeological investigations or which are otherwise brought to the attention of the Jersey Heritage Trust. This includes objects designated as Treasure Trove and Jersey National Antiquities;
- Information about the historic, archaeological or architectural development of Jersey, or any part of it; including details of historical, architectural, archaeological or scientific investigations or studies relating to sites or archaeological objects;
- A list of historic place names in Jersey.

Appendix H – Guidance Note on Ownership

Jersey Heritage accepts no responsibility for ownership claims relating to objects returned to finders. Any accompanying report provided is for general informational purposes only and does not constitute legal advice. All disputes regarding ownership - including title, possession, or use - must be resolved between the finder and any other relevant parties, such as the landowner. Jersey Heritage disclaims all liability for any loss, damage, or legal issues arising from the return of such objects. Finders are solely responsible for ensuring compliance with all applicable laws and regulations and are strongly advised to seek independent legal advice regarding their specific circumstances.

Consultation draft

Appendix I – Definition of Treasure Trove

Treasure Trove means an object:

- i. that is more than 50% gold or silver;
- ii. that has been deliberately hidden with the intention that it is to be recovered; and
- iii. whose owner, or whose owner's heirs, are unknown.

Consultation draft

Appendix J – Criteria for Designation as a Jersey National Antiquity

An object which is found or acquired may be determined as being a **Jersey National Antiquity** if any or all of the following criteria are fulfilled:

(a) the object is so closely connected with Jersey national life and history that its loss would be a misfortune.

These ‘History’ objects are of major importance to Jersey’s history and may be associated with significant historical events, people or places.

(b) the object is of outstanding aesthetic importance.

These ‘Aesthetic’ objects will be of particularly high quality with evidence of artistic endeavour and the conscious use of skill and creative imagination in their production.

(c) the object is of outstanding significance for the study of any branch of Jersey art, learning or history.

These ‘Scholarship’ objects will provide a new source of archaeological or historical information.

(d) the object is otherwise of cultural interest.

Note

The determination may take into account the physical condition of an object as well as the extent of any damage or alteration to which it may have been subjected. The financial value of an object is not a valid consideration.

Appendix K – Guidance on the Reduction of Rewards

The following circumstances may lead to either no reward or a reduced reward:

1. Where a finder fails to report to the Finds Liaison Officer, within 14 days, the finding of an object that the finder believes, or has reason to believe, is an archaeological object.
2. Where a person who has acquired the object other than by finding it fails to report to the Finds Liaison Officer, within 28 days, the acquisition of an object that the person believes, or has reason to believe, is an archaeological object not previously disclosed to the Finds Liaison Officer.
3. Where a finder, without a reasonable excuse, fails to provide the Finds Liaison Officer with all the relevant circumstances surrounding a find including the precise find location.
4. Where there are reasonable grounds for believing that a find was made elsewhere than on the alleged site.
5. Where a finder and/or landowner refuses to deposit an object with the Finds Liaison Officer, or fails to deposit an object promptly when requested to do so by the Finds Liaison Officer, or where there is evidence that only part of a find has been handed in.
6. Where a person has deliberately or recklessly discarded, damaged or destroyed an object which that person knows or has reason to believe is an archaeological object.
7. Where a person has deliberately or recklessly cleaned, repaired or marked an object which that person knows or has reason to believe is an archaeological object.
8. Where a person, without reasonable excuse, fails to take reasonable measures to preserve the object; not taking account of the 'guidance on the care of objects' provided in the code of practice (Appendix F).
9. Where a person has deliberately or recklessly caused damage to undisturbed ground - such as beneath the ploughsoil or within the compacted sub-surface of a beach - when removing an object.
10. Where there are reasonable grounds for believing that the finder was searching without relevant permission.

Appendix L – Standard Application Form for Archaeological Excavation Licence

Consultation draft