

Chief Minister



19-21 Broad Street | St Helier  
Jersey | JE2 4WE

Richard Corrigan  
Director General, Department for the Economy  
Government of Jersey

BY EMAIL

17 December 2021

Dear Mr Corrigan,

**Acquisition of Le Câtillon II Hoard (the “Hoard”) – Letter of Instruction**

We refer to your letter of 17 November 2021 regarding the purchase by the Government of Jersey of the Le Câtillon II Hoard from the Crown for the total sum of £4,250,000. The contents of this letter are agreed with the Minister for Economic Development, Tourism, Sport and Culture.

In summary, having carefully considered the points you raise as Accountable Officer, we confirm that we wish to proceed with the acquisition, which was unanimously agreed by the Council of Ministers at its meeting on 15 June 2021.

The contents of this letter follow the headings used in your letter of 17 November 2021 save in relation to the first two paragraphs as regards which we would mention the following.

In relation to your first paragraph, HM Receiver General's (HMRG) letter of 16 January 2020 did not include the suggestion of a retention of £250,000 for a Trust for the study of the Hoard. This suggestion came from Deputy Morel subsequently. The retention for a Trust had to be agreed with HMRG, and finders/landowner will receive £250,000 less in consequence – i.e. HMRG's offer in his letter of 16 January 2020 was negotiated and varied in response to the request from the Government for a Trust. This revised form of offer was subsequently approved by Ministers on 15 June 2021.

As regards your second paragraph it is correct to say that the paper which went to the Council of Ministers for its meeting on 15 June on 2021 contained a recommendation from the Department that the Government seek to purchase the Hoard for the sum of £1,997,200. However, the paper which went to the Council of Ministers for its meeting on 15 June 2021 also included the second option of purchasing the Hoard from the Crown at the price of £4,250,000 as an option open for Ministers to approve. We acknowledge your concerns in respect of the need to obtain the best value for Jersey taxpayers when making financial decisions, particularly of this magnitude. However, the case was well made for the purchase at the second option price, which Ministers concluded was an acceptable compromise between the valuations (see further below) given the unique circumstances and the rarity of the historic find.

## Letters of Instruction

We agree that letters of instruction are a relatively new mechanism in the business of Government. However, at its meeting on 15 June 2021, the Council of Ministers unanimously accepted that a letter of instruction would be provided. It is regrettable that it has taken five months for your request for a letter of instruction to be sent.

## Accountable Officer recommendation to Council of Ministers

It is accepted that Covid-19 has inevitably delayed the response to HMRG's offer letter. We also note that responsibility for the Culture, Arts and Heritage portfolio was only allocated to you on 3 April 2020 and that the Hoard was an inherited matter at that point, given that it was found in 2012.

The reasons for your recommendation are entirely understood and were previously considered by the Council of Ministers. However, the points made above are pertinent as regards the figure at which Ministers agreed to the purchase of the Hoard. Further, in this case it was agreed from a very early date that, in the absence of any legislation in Jersey concerning treasure trove, the parties would follow the spirit of the UK Code of Practice under the Treasure Trove Act 1996 (the "UK Code") in this case. For example, a Report of the Education, Sport and Culture Department of 30 September 2013 states: "*There is no local legislation to govern rewards for such finds but the Crown has confirmed that it intends to act in a manner consistent, as far as possible, with the spirit of the UK Treasure Act 1996. The Act seeks to ensure that such finds are offered for sale to public institutions but that a reasonable reward is available to finders and landowners. This is important not only in the interests of natural fairness but also to encourage the proper reporting of such finds to avoid creating a black market in historically significant objects*".

Paragraph 66 of the UK Code states that the Treasure Valuation Committee (TVC) "*has the discretion to commission more than one valuation where it seems to be desirable, for example, in cases of particularly high value and rare objects*". It was therefore appropriate to commission more than one valuation to arrive at a purchase price as has happened in this case.

Paragraph 67 of the UK Code states: "*All interested parties (finders, occupiers and landowners, and any museum that intends to acquire the objects from the find) are given the opportunity to make relevant comments on these valuations and .... before the Committee reaches its decision; in addition, finders, occupiers, landowners.... have the right to submit their own evidence to the Committee such evidence may be in the form of valuations commissioned by these parties*". It was therefore appropriate, fair and in accordance with natural justice that the finders were given the opportunity to submit the Chris Rudd Limited valuation in this case, which valued the Hoard at almost £6.1 million.

The UK Code also recognises a right of judicial review in Court. Paragraph 70 of the UK Code expressly provides that "*should an interested party (as defined in paragraph 67) be dissatisfied with the Committee's recommendation, that party has the right to make representations to the Secretary of State before a decision is made. The Secretary of State will normally allow 28 days after the finder, occupier, landowner ... has been notified of the Committee's recommendation to allow any representation to be made before making the Order. The Secretary of State's decision will be subject to the jurisdiction of the Court by way of judicial review. Any claim of mal administration can be investigated by the Parliamentary Commissioner for Administration.*" A judicial review in the Courts could result in a higher valuation figure for the Hoard than £4.25 million, aside from its associated delay and legal costs.

Further, paragraph 87 of the UK Code provides that it is very important that cases of treasure be dealt with by all bodies concerned as expeditiously as possible and that the general rule is that the period between the find being received by the coroner (in the UK) and the payment of an ex gratia reward should not be longer than twelve months save that it may be necessary to exceed this period in exceptional cases such as large hoards of coins. Whilst that exception applies in this case, clearly the time period has been very significantly exceeded.

In this case for the purposes of the UK Code HMRG is substituted for the TVC as regards procedure and decision making. In April 2018, after the finders were notified of the second TVC valuation figure, we understand that they required that HMRG review the second TVC valuation in accordance with paragraph 70 of the UK Code. They required to be able to submit their own valuation evidence in accordance with the UK Code, which resulted in the Chris Rudd Limited valuation.

The second TVC valuation was brief (just over 2 pages, albeit that reports totalling over 60 pages were subsequently produced), contained arithmetical inconsistencies, was by three experts who visited Jersey for two days, and was not based on a comprehensive review of all the contents of the Hoard. By contrast the Chris Rudd Limited valuation is over 800 pages with input from 19 experts who examined the condition of every single coin and object individually over five days in Jersey. The condition of coins has a substantial effect on their value. It contains a comprehensive critique of the second TVC valuation. The Chris Rudd Limited report was preceded by an independent audit of Armorican coin prices before the team visited Jersey, included a more comprehensive review of *comparanda* of prices for comparable coins, and a valuation approach based on the actual conditions of the *Coriosolitae stater* coins instead of an average price of £20 per coin adopted by the TVC Second Valuation Committee. In addition, the Chris Rudd team included additional objects (an extra torc and neck collar) that had been misclassified in the second TVC valuation.

The Chris Rudd Limited valuation was sent to the TVC for comment. Whilst they declined to revise their second valuation in response, they themselves recommended that HMRG commission a further valuation from a French valuer with substantial experience in selling the types of coins found in the Hoard. On this basis HMRG instructed CBG Numismatique Paris in 2019 who agreed with the Chris Rudd valuation figure of almost £6.1 million but on the basis that that the Hoard was sold in separate lots. Obtaining a further valuation on the recommendation of the TVC from an expert in French coins was in accordance with paragraphs 66 and 67 of the UK Code.

The figure of £4.25 million represents a substantial discount (over £1.8 million) on the Chris Rudd valuation to reflect that the Hoard is not being sold in separate lots and reflects the combined information and expert opinions in the three valuations in accordance with the process provided by the UK Code. At the meeting of the Council of Ministers on 15 June 2021 HMRG was asked whether the Crown would sell the Hoard to the Government for less than £4.25 million, and he confirmed that he would not. The Crown is not obliged to sell the Hoard to the Government and could sell the Hoard to third parties (including parties outside the Island), albeit that it would be reluctant to do so.

### **Approval by the Council of Ministers**

The matters set out above reflect the basis of the unanimous decision of the Council of Ministers on 15 June 2021, which was attended by your colleagues from the Office of the Chief Executive. The Government's primary aim in acquiring the Hoard is to ensure it remains in Jersey for the enjoyment of the public. The Island's pre-history has already been the subject of significant media coverage in the past few years and this has clearly benefitted Jersey's

reputation and international standing. There is also considerable interest among the local community.

From a heritage and culture standpoint, it is important for the Government to discharge its responsibilities in relation to the Hoard. We reiterate that it would be unthinkable for an artefact of such historical significance to leave the Island.

During their deliberations, the Council of Ministers noted that the Crown is not obliged to accept the Government's offer or, indeed, to sell the Hoard to the people of Jersey above other purchasers. It is therefore vital that we take the necessary steps to secure the Hoard so that it remains in Jersey and Islanders can benefit from the ongoing promotional, educational and revenue-generating opportunities it could create. This includes charging visitors to view it and loaning it to museums, universities and similar institutions.

This point is already factored into the proposal agreed by the Council of Ministers, which includes Deputy Morel's suggestion that a Trust could be formed with £250,000 of the payment set aside. The intention is that this Trust could be used for further scientific and archaeological research into the Hoard as well as educational grants for study of this unique artefact. Such research would potentially increase the value of the Hoard in terms of the additional historical knowledge and understanding that could be revealed.

### **Request for seeking instruction**

The comments made above in relation to letters of instruction are also relevant here. It is of course accepted that Accountable Officers have duties in relation to the use of public funds and assets. Ministers are mindful of the Nolan principles, and their unanimous decision on 15 June 2021 to adopt the second option in the paper presented to them and fully discussed at the meeting is consistent with them.

As regards the views of the Principal Accountable Officer it is understood and accepted that most of the events described in your letter pre-dated his arrival in post. A detailed letter from Jersey Heritage accompanied the paper to the Council of Ministers and was fully considered by Ministers at their meeting on 15 June 2021.

### **Funding the purchase**

We are grateful that officers have prepared a business case for accessing funds which will mean that the Civil Asset Recovery Fund (CARF) will effectively fund the purchase. The funds in the CARF result from the asset sharing agreement with the Governments of Nigeria and the United States arising from the return of the Doraville/Abacha monies.

### **Next steps**

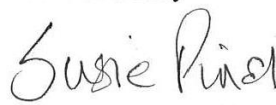
Thank you for your confirmation that you will bring this matter to a prompt conclusion and that your team is well advanced to bring forward legislative proposals from heritage and antiquities matters which will assist with the handling for any future finds of this nature. We note that the Council of Ministers were informed for their meeting on 15 June 2021 that the target was to bring the primary law to the States Assembly by the end of 2021.

On behalf of the Council of Ministers, we are therefore formally instructing you as Accountable Officer to take this forward and proceed with the purchase of the Hoard, in accordance with the unanimous decision of the Council of Ministers on 15 June 2021, with immediate effect.

Yours sincerely,



**Senator John Le Fondré**  
**Chief Minister**



**Deputy Susie Pinel**  
**Minister for Treasury and Resources**

Cc     Senator Lyndon Farnham, Minister for Economic Development, Sport and Culture  
       Paul Martin, Interim Chief Executive Officer and Head of the Public Service  
       Richard Bell, Treasurer of the States