



States Greffe

Deputy Kirsten Morel
Minister for Sustainable Economic Development

BY EMAIL

5th February 2026

Dear Minister,

Draft Heritage (Jersey) Law (P.121/2025)

The Panel thanks your Officers for providing a briefing to the Panel on the 29 January 2026 regarding the Draft Heritage (Jersey) Law P.121/2025. Following its examination of the draft Law, the Panel has identified several questions which it wishes to raise and would be grateful if information on the following points could be provided:

1. Could you provide the Panel with an overview of the draft Law, including its purpose, the associated regulations on reward and licensing, and the relevant code of practice?
2. Could you confirm whether the Draft Law, along with its associated regulations and code of practice, aligns with the approaches taken in comparable jurisdictions such as the UK, other Crown Dependencies, and the EU?
3. The Draft Law, states *"As such, there are no additional financial, save the potential level of rewards, or staffing implications for the Government of Jersey in relation to this proposition. The Minister's duties and functions will be funded through existing Department for the Economy's budget and resource."* Can you advise the Panel if there are any resource implications for Jersey Heritage?
4. Can you advise the Panel what aspects of Customary Law remain in the Draft Law and the reason for this?
5. The Panel understands that in England, Wales the Treasure Act 1996 abolished common law of treasure trove can you advise why this was not considered in this Draft Law?
6. The Panel notes from a [letter](#) on 29th July 2025 it was mentioned that: *"ambiguous definition of treasure trove into the draft legislation has proven complex, such as defining what 'masse' means and 'gold' or 'silver'. However, the Legislative Working Group and Crown are now satisfied with what has now been defined"* can you advise the Panel why the definition of treasure trove was kept in and was any consideration of removing it?
7. With regards to the Treasure Trove definition, can you explain how in practice the definitions around the composition of an item will work? For example, how does an individual that discovers an item know the composition of the item to report it?

8. Could you explain to the Panel how the Customary Law provisions retained in the Draft Law compare with those found in other jurisdictions that maintain elements of Customary Law in this area?
9. Can you advise the Panel on the offences and penalties in the draft Law?
10. Could you advise the Panel on how enforceable the requirement is to report archaeological objects within 14 days of their discovery?
11. Are you able to provide details for the Panel regarding the consequential amendments proposed in the draft Law?
12. Can you outline for the Panel the appeal process that exists in the draft Law, the associated regulations and code of practice?

5 Review of decision

- (1) If an applicant disagrees with the Minister's determination about the amount of a reward, they may request a review of the decision within 28 days beginning on the day the Minister informs them of the determination.

- (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.

13. The draft Heritage (reward) (Jersey) regulations:

- a) In relation to Article 3(2), how should the reward be apportioned in cases where more than three individuals are deemed eligible to receive a share?

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- (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.

- b) *"A request for a review must be made in writing in the manner specified by the Minister."* Can you advise the Panel in what manner must a request for a review be submitted, given that it must be made in writing and in the form specified by the Minister?
- c) In relation to Article 5(3), can you confirm whether the Assistant Minister to the Minister for Sustainable Economic Development could be chosen to carry out the review? If that is possible, might this create a conflict of interest? Has any thought been given to requiring in the regulations that another designated Minister, for example the Minister for the Environment, be designated to conduct the review?

14. The Draft Heritage (Licensing of Archaeological Excavations) (Jersey) Regulations:

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 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.

- a) The Panel notes Prohibition on conducting archaeological excavation without licence Article 2 (2) which states *"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"*. can you advise why the amount of the fine is left to the determination of the court instead of being stated in the regulations?

15. At what point does a discovery become classed as an archaeological excavation?
For example, if someone is gardening in their own garden and uncovers an object or potential artifact, what is the process that should be followed?

16. The Panel notes the consultation response paper has been published. Can you outline for the Panel what changes were made to the Draft Law arising directly from feedback during the consultation?

We would be grateful if you could respond no later than 12th of February 2026 in line with the 5 working days approved for responses between Scrutiny Panels and Ministers.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mt. Tadier', followed by a period.

Deputy Montfort Tadier

Chair

Economic and International Affairs Scrutiny Panel