



Jersey

HERITAGE (JERSEY) LAW 202-

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Jersey

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.

Adopted by the States

26 February 2026

Sanctioned by Order of His Majesty in Council

[date to be inserted]

Registered by the Royal Court

[date to be inserted]

Coming into force

[date to be inserted]

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 the code of practice prepared and published under Article 14;

“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 the [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#)

“Jersey” includes the territorial waters of Jersey;

“Jersey Heritage” means the Jersey Heritage Trust incorporated by an Act of Incorporation granted by the States by the Loi accordant un Acte d’Incorporation à l’Association dite “The Jersey Heritage Trust” registered on 3 June 1983;

- “Jersey national antiquity” has the meaning given in Article 3;
- “land” includes the foreshore;
- “Minister” means the Minister for Sustainable Economic Development;
- “Receiver of wreck” means the Receiver appointed under Article 128A of the [Shipping \(Jersey\) Law 2002](#) (the “Shipping Law”);
- “reward” means a reward paid under Article 13;
- “treasure trove” has the meaning given in Article 4;
- “wreck” has the meaning given in Article 128 of the Shipping Law.

2 Archaeological object

- (1) “Archaeological object” means an object found on or under the land or seabed of Jersey that –
- (a) has been created or modified by human activity and that –
 - (i) is 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 –
- (a) is wreck or 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) of exceptional scientific or academic significance for any branch or field of Jersey art, learning or history;
- (b) so closely connected with Jersey national life and history that its loss would be a misfortune;
- (c) of exceptional aesthetic importance; or
- (d) otherwise of significant historical, archaeological or cultural interest.

4 Treasure trove

- (1) For the purposes of this Law, “treasure trove” means 2 or more objects, each of which is made of more than 50% gold or silver –
- (a) that have been deliberately hidden together on land with the intention that they are to be recovered; and
 - (b) whose owner, or whose owner’s heirs, are unknown.
- (2) For the purposes of determining if paragraph (1) applies –
- (a) if, after an object was hidden it becomes fused with another object, it is assessed as if it had not fused to the other object; and

- (b) if it is broken into separate parts, the separate parts are assessed as if the object had not broken.

PART 2

REPORTING AND PROTECTION OF ARCHAEOLOGICAL OBJECTS

5 Reporting of archaeological objects

- (1) A person who finds an object that they believe, or have reason to believe, is 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 tell Jersey Heritage where the archaeological object was found.
- (3) If requested by Jersey Heritage, the person must deposit the archaeological object with Jersey Heritage within 28 days beginning on the day after the day Jersey Heritage makes the request.
- (4) Paragraphs (1) and (3) also apply to a person who acquires an object other than by finding that they believe, or have reason to believe, is an archaeological object, in which case that acquisition must be reported within 14 days, beginning on the day after the day on which the person becomes aware that they have acquired such an object.

6 Offences relating to reporting of archaeological objects

- (1) A person commits an offence if that person, without reasonable excuse –
 - (a) fails to report, in accordance with Article 5(1) or (4), the finding or acquisition of an object that they believe, or have 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 within 28 days beginning on the day after the day Jersey Heritage makes the request.
- (2) A person who commits an offence under paragraph (1) is liable to imprisonment for a term of 12 months and to a fine.
- (3) A person commits an offence and is liable to imprisonment for a term of 2 years and to a fine if that person knowingly or recklessly provides false or misleading information when reporting the finding or acquisition of an archaeological object.
- (4) 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.

7 Exception to obligation to report

- (1) Article 5 does not apply if –

- (a) the person reports the finding of the archaeological object to an authority referred to in paragraph (2);
 - (b) the code of practice specifies that the finding of the archaeological object does not need to be reported; or
 - (c) the object is found during the course of an archaeological excavation that is licensed under Regulations made under Article 18 of this Law and the licence contains conditions about when finds are to be reported.
- (2) The authorities 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 objects that are wreck or are found in or on a wreck, the Receiver of wreck.

8 Protection of archaeological 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) an assessment by Jersey Heritage under Article 10 that the object is not an archaeological object;
 - (b) an assessment by Jersey Heritage under Article 10 that an archaeological object does not appear to be a Jersey national antiquity;
 - (c) a ruling by the Viscount under Article 20B of the Inquests Law that an object is not treasure trove or an archaeological object is not a Jersey national antiquity.

9 Offence relating to protection of archaeological object

- (1) A person who, without reasonable excuse, contravenes Article 8(1) commits an offence and is liable to a fine.
- (2) 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 the code of practice.

PART 3

TREASURE TROVE AND JERSEY NATIONAL ANTIQUITIES

10 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) if it is an archaeological object, whether it may be a Jersey national antiquity; or
 - (c) whether it may be treasure trove;
- (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 Article 20B of 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 Article 20B of the Inquests Law as to whether the archaeological object is a Jersey national antiquity.
 - (4) If Jersey Heritage does not consider that an 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 when assessing or disposing of an object.

11 Jersey national antiquities belong to Public of the Island

- (1) Unless Article 12 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.

12 Jersey national antiquity that is treasure trove

- (1) If a Jersey national antiquity is treasure trove, it is held by the Minister in trust for the Crown.
- (2) The Minister is responsible for ensuring that Jersey national antiquities that are treasure trove are preserved and protected.

13 Reward

- (1) If the Viscount rules under Article 20B of the Inquests Law that an archaeological object is a Jersey national antiquity, the Minister must determine whether to pay a reward to the finder, the landowner and any other person the Minister considers appropriate.
- (2) If the Viscount rules under Article 20B of the Inquests Law that an archaeological object is a Jersey national antiquity and treasure trove, before paying a reward under paragraph (1) the Minister must consult the Receiver General and take account of their views including as to whether a reward should be paid to a person in addition to the finder and landowner.
- (3) The reward must not exceed the value the Jersey national antiquity would fetch on the open market.
- (4) A reward must not be paid in respect of human remains.

- (5) The States may make Regulations to provide for –
- (a) a requirement that an application is made before the Minister determines whether to pay a reward and the procedure for that application;
 - (b) the procedure for determining whether a reward is to be paid;
 - (c) the amount of the reward;
 - (d) the circumstances in which a reward must or may be reduced;
 - (e) the persons to whom a reward may or may not be paid;
 - (f) Jersey national antiquities for which a reward may or may not be paid;
 - (g) 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 ruling of an inquest conducted under Article 20A of the Inquests Law;
- “landowner” means a person named as the owner of the land in the ruling of an inquest conducted under Article 20A of the Inquests Law.

14 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 under paragraph (1) does not directly make a person liable to civil or criminal proceedings, 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 Viscount when holding an inquest under Article 20A of the Inquests Law;
 - (c) 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

15 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 and Building \(Jersey\) Law 2002](#) (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 sub-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 appropriate to preserve.
- (4) Jersey Heritage is required to include information in the historic environment record only if it 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

16 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.

17 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.

18 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 cancellation of licences; and
 - (b) the review and appeal of decisions granting, modifying or cancelling of 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;

PART 6

FINAL AND MISCELLANEOUS PROVISIONS

19 Relationship with customary law

- (1) For the purpose only of applying this Law, treasure trove has the meaning given in Article 4.
- (2) For other purposes, in relation to treasure trove, the customary law prevails.

20 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, the Receiver of wreck, 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](#).

21 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.

22 Regulations

- (1) The States may make Regulations under this Law –
 - (a) to amend, insert or delete a definition;
 - (b) to specify another body or organisation instead of, or as well as, Jersey Heritage to carry out functions given to it under this Law;
 - (c) to amend or supplement the provisions relating to the reporting and protection of archaeological objects, including offences and penalties;

- (d) in consequence of any provision made by or under this Law, to make amendments to any enactment that appears to the States to be necessary.
- (2) When making Regulations under this Law, the States may –
- (a) create offences and specify penalties for those offences, but may not specify a penalty of imprisonment of more than 2 years for an 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 except the power to amend a Law;
 - (c) make provision for prescribing and regulating the payment and recovery of expenses and provide for the payment of fees and charges;
 - (d) make amendments consequential to those Regulations to other enactments that appear to the States to be necessary.
- (3) A provision made by Regulations under this Law must not –
- (a) impose or increase taxation;
 - (b) take effect from a date earlier than that of the making of the Regulations containing the provision;
 - (c) amend the [Human Rights \(Jersey\) Law 2000](#); or
 - (d) be inconsistent with this Law.

23 Consequential amendments

The Schedule contains consequential amendments.

24 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.

SCHEDULE

(Article 23)

CONSEQUENTIAL AMENDMENTS

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

After Part 4 of the Inquests Law 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 10(2) or (3) of the Heritage Law that an object may be treasure trove or an archaeological object may be a Jersey national antiquity, the Viscount must hold an inquest without a jury into whether the object is treasure trove or the archaeological object is a Jersey national antiquity (or both).
- (2) The following Articles apply to the inquest –
 - (a) Article 8 (inquest without a jury);
 - (b) Article 9 (summoning of witnesses);
 - (c) Article 11 (proceedings at inquest);
 - (d) Article 12 (protection of witnesses and counsel);
 - (e) Article 13(1) (adjournment of inquest);
 - (f) Article 16 (Court may order fresh inquest to be held).
- (3) For the purposes of applying the Articles referred to in paragraph (2), 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.
- (4) For the purposes of this Part –
 - (a) “Heritage Law” means the Heritage (Jersey) Law 202-; and
 - (b) the following terms have the meaning given in Article 1 of the Heritage Law –
 - (i) archaeological object;
 - (ii) Jersey Heritage;
 - (iii) Jersey national antiquity;
 - (iv) Minister;
 - (v) treasure trove.

20B Ruling of inquest under Article 20A

The Viscount 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 (regardless of whether that person reported finding 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 5 or 7 of the Heritage Law; and
- (h) any other findings of fact that the Viscount considers relevant.

20C Outcome of inquest under Article 20A

- (1) If the Viscount 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.
- (2) If the Viscount 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 the Viscount 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 on other land conveyed to the Public of the Island, the object must be returned to Jersey Heritage, 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 land that has not been conveyed to the Public of the Island, 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 Jersey Heritage, which may keep or dispose of the object.

2 [Planning and Building \(Jersey\) Law 2002](#) amended

In Article 55 (certain activities restricted on sites of special interest) 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-).

3 [Shipping \(Jersey\) Law 2002](#) amended

After Article 146 (right to unclaimed wreck) 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 Jersey Heritage Trust and comply with any instructions the body provides in relation to the storage and preservation of the object.