

STATES OF JERSEY



JERSEY COMPETITION REGULATORY AUTHORITY: RE-APPOINTMENT OF CHAIRMAN

**Lodged au Greffe on 24th May 2007
by the Minister for Economic Development**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

in accordance with Article 3(1)(a) of the Competition Regulatory Authority (Jersey) Law 2001, to re-appoint the Rt. Hon. The Lord Kingsland as a member and non-executive Chairman of the Jersey Competition Regulatory Authority for a period of 3 years with effect from 21st July 2007.

MINISTER FOR ECONOMIC DEVELOPMENT

REPORT

The States approved the Competition Regulatory Authority (Jersey) Law in November 2000. It received Royal Assent on 14th March and came into force on 1st May 2001.

Under Article 3(1)(a) it is for the States to appoint one member of the Authority as its Chairman upon the recommendation of the Minister for Economic Development. Other members of the Authority are then appointed by the Minister, after consultation with the member appointed as Chairman. It is the Minister's intention to re-appoint the existing non-executive members, if Lord Kingsland's reappointment as Chairman is agreed.

Under Article 4(2) a member shall be appointed for a period not exceeding 5 years and upon expiry of such period shall be eligible for re-appointment.

Members may recall that the existing Board of the JCRA were selected in 2004 after a rigorous and demanding selection process, involving the use of specialist search consultants and the Appointments Commission. Of particular importance was an ability to understand complex commercial, legal and economic regulatory issues and an ability to be responsible for taking forward and maintaining momentum on priority projects. The Corporate Governance of the JCRA and, in particular, the good management of the Competition Law Grant were also significant factors.

After 3 years with Lord Kingsland as non-executive Chairman, the JCRA has regained its stature and has played an important part in the development of a progressive and proportionate competition regime. Significant progress has been made in the development of the telecommunications market and Jersey Post has been licensed as an independent trading company.

The JCRA, however, still has much to achieve. Further work is needed on mobile number portability and competition issues on such matters as milk marketing need to be brought to a satisfactory conclusion. Many of these matters are highly sensitive and require skilled, light, but firm handling. It is my belief that Lord Kingsland is the right person to deliver these objectives and I commend his re-appointment to the States.

A curriculum vitae for the Rt. Hon. The Lord Kingsland is attached.

The Economic Development Department provides the Authority with a Grant to administer the Competition Law (£480,000 in 2006). There are no other financial or manpower implications for the States.

The Rt. Hon. The Lord Kingsland

Before completing his legal studies, Lord Kingsland's intellectual interests were in the field of economics, a subject in which he completed 3 university degrees. His doctoral thesis at Oxford concerned the operation of markets in a self-managed economy. Lord Kingsland also spent 3 years at the International Bank for Reconstruction and Development, a specialised agency of the United Nations, in Washington.

On returning to the United Kingdom, Lord Kingsland was appointed Leverhulme Research Fellow at Sussex University, subsequently became a lecturer in law there, following his call to the Bar in 1969, and at the same time, began to practise at the Bar in the field of European competition law.

In 1979 Lord Kingsland was elected Member of the European Parliament for Shropshire and Stafford and served until 1994. Throughout his time in the European Parliament, Lord Kingsland served on the Parliament's Legal Affairs Committee (becoming Chairman in 1987) and played a prominent role in all matters concerning competition law. On his departure from the European Parliament Lord Kingsland returned to full time practise at the Bar and was appointed to the House of Lords.

In 2002, he was appointed Chairman of Plymouth Marine Laboratory, clg., a recently privatised marine research institution, which is a world leader in the science of estuarine and continental shelf systems.

Meanwhile, in the House of Lords, Lord Kingsland served for a year as Chairman of Sub-Committee F of the

European Communities Select Committee, before being appointed Shadow Lord Chancellor in 1997, a position which he continues to hold. In that capacity he has played a leading role on all competition legislation introduced by the Government, a great deal of which, such as the Competition Act, 1998, and the Enterprise Act, 2002, is concerned with competition in the public utilities sectors.

The position of Shadow Lord Chancellorship is unpaid and mainly concerns issues which are not party-political. The fact that he has continued to sit as a Crown Court Recorder (a Judge of the Crown Court) throughout his time in the position is powerful evidence that the position of Shadow Lord Chancellor is not regarded as in any way compromising the independent judgement of the person holding the office.

Curriculum Vitae

- Born:** 1.1.42. Christopher James Prout
- Educated:** Sevenoaks School; Manchester University (BA);
The Queen's College, Oxford (Scholar, B.Phil., D. Phil.);
The Middle Temple (Barrister at Law).
- Scholarship:** English Speaking Union Fellow, Columbia University, NY 1963–64.
- Military:** T.A. Service: OUOTC, 1966–73; 16/5 The Queen's Royal Lancers
1974–82; Staff Officer, 3rd Armoured Division, 1982–88; RARO,
1988–2002.
- Career:** Staff Member, International Bank for Reconstruction and Development,
Washington DC, 1966–69.
- Barrister and Lecturer in Law, Sussex University 1969–79.
- Barrister and Member of the European Parliament for Shropshire and
Stafford, 1979–94; Chief Whip, the European Parliamentary
Conservative Group, 1983–87; Chairman, European Parliament's Legal
Affairs Committee, 1987; Leader of the British Conservative MEPs,
1987–94; Leader European Parliamentary Conservative Group 1987–
1992; Deputy Leader, European Parliamentary combined Conservative
Group/Christian Democratic Group 1992–1994.
- Barrister (Queen's Counsel) 1994–date (Francis Taylor Bldg. Inner
Temple, EC4Y 7BY).
- Crown Court Recorder 1997–date; Deputy High Court Judge 2005–
date.
- Shadow Lord Chancellor 1997–date.
- Publications:** *Market Socialism in Yugoslavia*, OUP, 1985; *Halsbury's Laws of
England*, 4th edition (contrib.), Vols. 8, 51 and 52, Butterworth's, 1986
and 1995; various chapters and articles in books and academic journals.
- Appointments:** Territorial Decoration (1987); Queen's Counsel (1988); Knight
Bachelor (1990); Privy Counsellor (1994); Baron (1994); Bencher,
Middle Temple (1996); Deputy Lieutenant, Shropshire (1997);
Recorder (Wales & Chester Circuit) (1997–date); Master of the Garden,
Middle Temple (1999–date); Deputy High Court Judge (2005–date);
Hon. Fellow of The Queen's College, Oxford (2006).
- Corporate:** Chairman, Plymouth Marine Laboratory, clg. 2002–date.
- Regulatory:** Chairman, Jersey Competition Regulatory Authority, 2004–date.