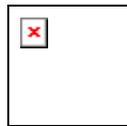


**JERSEY CONSUMER COUNCIL: TRANSFER OF RESPONSIBILITY**

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**Lodged au Greffe on 6th November 2001  
by Deputy A. Breckon of St. Saviour**

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**STATES OF JERSEY**

**STATES GREFFE**

180

2001

P.167

Price code: B

## **PROPOSITION**

### **THE STATES are asked to decide whether they are of opinion -**

to refer to their Act dated 25th April 1995 establishing a Jersey Consumer Council, and their Act dated 18th November 1999 transferring to the Industries Committee the responsibility of the Policy and Resources Committee in relation to the Council, and -

- (a) to agree that the responsibility for the Jersey Consumer Council should be transferred from the Industries Committee to the Finance and Economics Committee;
- (b) to agree that the Industries Committee should transfer to the Finance and Economics Committee £100,000 in relation to the Jersey Consumer Council for 2002 and to request the Finance and Economics Committee to provide appropriate budgets in future years;
- (c) to request the Finance and Economics Committee to bring to the States for approval the necessary Act under Article 29 of the States of Jersey Law 1966.

DEPUTY A. BRECKON OF ST. SAVIOUR

Note: The Finance and Economics Committee's comments are to follow.

## REPORT

During the late 1980s and early 1990s concern was expressed about the general lack of “user-friendly” consumer legislation and protection.

The (then) Senator R.R. Jeune, as President of the Policy and Resources Committee, organised some local discussion and comment and invited Lady Wilcox, Chairperson and Mr. Guy Dehn, Legal Adviser of the National Consumer Council to assist. Following a wide consultation exercise, it was generally agreed that action was required and in 1993 “**Consumer Protection: Fair Trading Law**” (P.8/1993 lodged by the Public Services Committee) was proposed.

The States approved in principle the preparation of a “new” Fair Trading Law to be undertaken by the Public Services Committee.

This lengthy procedure produced many drafts but did not translate into a user-friendly Law or Regulations to serve the Jersey consumer and assist to find remedies for disputes or encourage a comfortable framework in which to trade with confidence.

The function then passed from the Public Services Committee to the Industries Committee in late 1999 and is currently “under review”.

The Industries Committee has other political responsibilities, including -

- the Jersey Competition Regulatory Authority;
- Regulation of Undertakings;
- Broadcasting (radio and television);
- Strategic Development Boards (all chaired by a member of the Industries Committee) covering -
  - the finance industry;
  - the communication industry (including Postal and Telecoms);
  - utilities (including electricity, water, gas and fuel);
  - the supply industry; and
  - the construction industry (including five representatives of the industry).

The Industries Committee also has responsibility for reviewing consumer legislation in Jersey (or lack of it) and bringing it to the States for approval (a process with which the Jersey Consumer Council may wish to agree or disagree).

All of the above causes a serious conflict of interest and questions too close an association, perceived or otherwise, between the Industries Committee and the Jersey Consumer Council - clear separation is the right way to proceed.

### **Independence**

The Jersey Consumer Council members and their representative organisation believe the interests of consumers can best be served and developed by putting distance between the Consumer Council and the Industries Committee.

### **Budget, administration, premises, resources, etc.**

The main Consumer Council expenditure would be on the research, compilation and distribution of regular newsletters to impart information and seek responses from the Jersey public.

Other funds would be to -

- establish a base from which to work;
- set up basic and technical links;

- develop research and intellectual support;
- encourage consumer empowerment;
- defend and promote rights and responsibilities;
- provide access to information and services.

### **Constitution of the Jersey Consumer Council**

- ã A member of the Jersey legal profession;
- ã a retail member of the Chamber of Commerce;
- ã a member of the Jersey Hotel and Guest House Association;
- ã a member of the Transport and General Workers' Union;
- ã a member of the Standing Conference of Women's Organisations;
- ã a member of the Citizens' Advice Bureau; and
- ã two members of the public not representing any particular organisation.

This existing constitution gives (and has given) stability and a wealth of experience to the Council. Members bring to the table the wider views and opinions of a cross-section of Jersey's community through the representative organisations, as well as their own views and opinions - to undermine this, as some would do, is to destabilise the strength and depth the Consumer Council has built.

Increasing the representation from the general public, to up to four members from the existing two, would be a positive step forward.

### **Terms of reference**

Drawn up in 1995, this can form the basis for a wider remit and review which the Council is capable of doing and does not need the services of a consultant.

### **Transfer of funds and responsibility from the Industries Committee to the Finance and Economics Committee**

The Industries Committee has funds which have not been specifically designated for any purpose, some of which are used for consultants for unnecessary reports.

The Jersey Consumer Council has, since it was set up in 1995, always made best use of limited funds and achieved value for money - the Industries Committee in its near two years of existence is not able to demonstrate any such record.

### **Manpower implications**

There are no manpower implications for the States - the Consumer Council can arrange its own business.