

**Presented to the States on 1st April 2003
by the Economic Development Committee**



STATES OF JERSEY

STATES GREFFE

Comments

The establishment of the Industries Committee, the responsibilities of which were subsequently included within the Economic Development Committee, was set out in Proposition P.176/99, presented to the States by the Policy and Resources Committee. The Report with that Proposition set out the terms of Reference for the Industries Committee, one of which made specific reference to an Office of Fair Trading as follows –

“To establish an Office of Fair Trading aimed at protecting the consumer and safeguarding the public interest.”

The Economic Development Committee is continuing to progress a number of important issues relating to Consumer Protection which were initiated by the Industries Committee including –

- competition Law;
- Laws on sales of goods, distance selling and consumer safety.

These Laws will, in due course, provide significant additional powers to the Committee in protecting consumers and ensuring fair trade. These will be on top of the existing powers that the Committee has in its Trading Standards Section.

On 3rd September 2002, the Industries Committee lodged 2 Reports of direct relevance to consumer protection. One was the Committee’s response to the Boleat Report on consumer protection and it set out the action plan for taking forward consumer protection issues. The other report was a progress report on the Competition Law which sets out the background and overall approach being followed by the Committee in the law drafting instructions. The draft Law will be lodged with the States in the near future. The action being taken on these two issues is a clear demonstration of the Committee’s commitment to consumer protection.

The Economic Development Committee and Department are reviewing all their responsibilities to determine the most appropriate organisational structure to manage these effectively. The establishment of an Office of Fair Trading will be given due consideration as these changes are progressed and the Committee is of the firm view that it is the logical Government Committee/Department to have this responsibility.

Deputy Breckon’s proposition would establish an Office of Fair Trading, which would be independent of the executive. It would contain a wide range of current organisations and responsibilities that are, in the view of the Economic Development Committee, rightly within the responsibility of the Economic Development Committee. The proposals would transfer organisations such as the Financial services Commission, the Jersey Advisory and Conciliation Service, the Jersey Competition Regulatory Authority, the Law Commission etc. to the Office of Fair Trading.

In order to gain an understanding of Deputy Breckon’s thinking behind his Proposition, the President and Vice-President of the Industries Committee met with him on 28th June 2002. It became apparent that much of his reasoning behind the proposal for the Office of Fair Trading is a need, in his view, for a single point of contact for the general public on all the issues identified in his Report as being part of an Office of Fair Trading. This, he feels, would overcome his perceived problem of Departments not being as helpful as they should be in dealing with concerns from members of the public.

The Economic Development Committee believes that the proposal would introduce an additional level of administration with little prospect of adding value to the work of the various organisations involved. Existing organisations such as the Citizens Advice Bureau and the Trading Standards Department already provide both general and specific advice to consumers on fair trading issues. The Economic Development Committee feels that Deputy Breckon’s proposal could also lessen accountability.

The Economic Development Committee is of the firm view that the Departmental Structure arrangements as put forward by the Policy and Resources Committee, in which the responsibility for all aspects of Consumer Protection is with the Economic Development Committee/Department, are appropriate to ensure that the necessary laws and arrangements are put in place. It, therefore, sees no justification in Deputy Breckon’s Proposition.