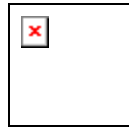


JERSEY COMPETITION REGULATORY AUTHORITY: APPOINTMENT OF MEMBER AND CHAIRMAN

**Lodged au Greffe on 1st May 2001
by the Industries Committee**



STATES OF JERSEY

STATES GREFFE

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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 appoint Dr. Patrick Anthony McNutt as a member and Chairman of the Jersey Competition Regulatory Authority for a period of three years with effect from 17th May 2001.

INDUSTRIES COMMITTEE

REPORT

1. The States approved the Competition Regulatory Authority (Jersey) Law 2001 last November and it received Royal Assent on 14th March. It came into force on 1st May 2001.
2. 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 Industries Committee. Other members of the Authority are then appointed by the Committee, after consultation with the member appointed as Chairman. It is the Committee's intention to appoint two other members at this time, once a chairman is in post.
3. The Committee enlisted the help of international recruitment consultants, Capita RAS, in order to identify potential candidates for the chairmanship of the Authority (JCRA). The brief was to find a person of some eminence in the field of competition and regulatory policy, with the gravitas and strength of character to carry through difficult decisions and generally to be well able to assert the statutory independence of the new body. Important attributes were also the ability and enthusiasm to make a significant contribution to the emerging debate in the Island on competition policy as well as take a lead on more immediate regulatory issues in the postal and telecoms sectors.
4. Advertisements in the national press and the 'Economist', together with Capita's own database, yielded a strong field of candidates, mostly from the worlds of economics and law. A selection board was formed, comprising the President of the Committee, Deputy Ozouf - Chairman of its Competition Policy Sub-Committee (formerly called the Regulatory Sub-Committee), the Chief Executive of the Policy and Resources Department and the Economic Adviser from that same Department. It prepared with Capita's assistance a short list of five candidates and interviewed them at the end of March. A second series of meetings was held in Jersey shortly after Easter.
5. The Board's unanimous choice from a high quality field was Dr. Patrick McNutt. Dr. McNutt was formerl Professor of Political Economy at the University of Ulster and, from 1995-2000, was the second Chairman of the Irish Competition Authority. He is a leading authority on European competition policy with direct experience of independent regulation of the kind now in the frame for Jersey under the aegis of the JCRA. Following his term of office at the Irish Competition Authority, which expired in 2000, Dr. McNutt has been Partner and Head of Competition in a well-known Irish economics consultancy firm, Indecon International Economic Consultants. A short *curriculum vitae* for Dr. McNutt is attached to this report.
6. As was explained to States members when the draft Law was brought forward last autumn, the role of JCRA Chairman was envisaged as a part-time appointment, and it is on this basis that discussions have been held with Dr. McNutt. It is planned that he will devote about two days a week to the task and he will be remunerated on that basis, but there will, of course, be flexibility according to circumstances, and electronic communications now override distance. There will be a full-time member of the Authority, the Executive Director, based in Jersey, and the third (non-executive) member will also, it is intended, be locally-based.
7. The Committee is extremely confident that under Dr. McNutt's leadership the JCRA will, in its early years, be in good hands, and that he will make a strong contribution to both policy and practice in important areas of economic strategy that are crucial to the Island's economic success.
8. As for the financial implications of this proposal, the financial implications of establishing the JCRA were dealt with in P.191/2000. It was noted there in particular that the aim was that the JCRA should move towards being self-financed through licence fees. There are no additional financial or manpower implications arising from this report and proposition. The Finance and Economics Committee has since approved a start-up and year 1 budget for the Authority.
9. Accordingly the Industries Committee recommends that the States appoint Dr. McNutt as a member and Chairmar of the Jersey Competition Regulatory Authority for a period of three years commencing on 17th May 2001.

27th April 2001

CURRICULUM VITAE

Dr. Patrick Anthony McNutt BA, MPhil, DPhil

Current Appointment

- Partner and Head of Competition, Indecon Consultants, Dublin

Previous appointments

- Chairman, Irish Competition Authority, Dublin, 1996 - 2000
- Professor of Political Economy, University of Ulster, Belfast, 1994 - 1996

Past appointments

- Research Assistant, Economic and Social Research Institute, Dublin
- Lecturer, Department of Economics, University College Galway
- Visiting Scholar, Victoria University of Wellington, New Zealand
- Visiting Scholar, Georgetown University, Washington DC
- Visiting Lecturer, University of Limerick
- College Lecturer, Department of Economics, University College Galway

Other appointments and distinctions

- Rapporteur at Directorate Competition's Advisory Committee, European Commission, Brussels, selected cases 1997 - 1999
- Former Member of the Senate of the University of Ulster
- Former Chairman of Social Sciences Research Centre, University College Galway
- Former Director, Centre for Research in Economics and Law, University College Galway and University of Ulster, Belfast
- Former Member, National Committee for Economics and Social Sciences, Royal Irish Academy
- Former Member, Committee of the European Public Choice Society

Guest Editorship of journals

- International Journal of Social Economics
- European Business Review

Editorial Advisory Board on journals

- International Journal of Social Economics
- World Competition

Books/Monographs

- Understanding Economic Issues (1985)
- Competition Policy and the 1991 Irish Competition Act (1992)
- Perspectives on Competition Policy Issues: Ireland and the EU (1994)

Books

- The Economics of Public Choice (1996)
- The Economics of Public Choice Vol. II (2001)
- Law and Economics: European Perspective (2002/3)

Articles and book chapters

- Over 50 published articles, book chapters and working papers on various aspects of economics and competition policy.