

STATES OF JERSEY



JERSEY FINANCIAL SERVICES COMMISSION: RE-APPOINTMENT OF COMMISSIONER

Lodged au Greffe on 21st December 2017
by the Chief Minister

STATES GREFFE

PROPOSITION

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

in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, to re-appoint Mr. John Harris as a Commissioner of the Jersey Financial Services Commission with effect from 1st March 2018 for a period of 5 years.

CHIEF MINISTER

REPORT

Background

The appointment of Commissioners to the Jersey Financial Services Commission (the “**Commission**”) is dealt with in Articles 3 and 4 of the Financial Services Commission (Jersey) Law 1998 (the “**Commission Law**”).

Paragraph (1) of Article 3 reads as follows –

- “(1) The Commission shall consist of –
- (a) a Chairman; and
 - (b) not less than 6 other Commissioners.”.

Paragraph (2) reads as follows –

- “(2) The States shall appoint –
- (a) the Commissioners from persons nominated by the Minister; and
 - (b) a Commissioner nominated by the Minister to be Chairman of the Commission,
- and the appointments shall be debated *in camera*.”.

Paragraph (3) states –

- “(3) The Commissioners shall include –
- (a) persons with experience of the type of financial services supervised by the Commission;
 - (b) regular users on their own account or on behalf of others, or representatives of those users, of financial services of any kind supervised by the Commission; and
 - (c) individuals representing the public interest,
- and the composition of the Commission shall be such as to secure a proper balance between the interests of persons carrying on the business of financial services, the users of such services and the interests of the public at large.”.

Pursuant to paragraph (2) of Article 4, the term of appointment of a Commissioner is prescribed by Part 2 of Schedule 1 to the Commission Law, paragraph 1(2) of which reads as follows –

- “(2) A Commissioner shall be appointed by instrument in writing for a period not exceeding 5 years and upon expiry of such period shall be eligible for reappointment.”.

By virtue of Article 4(1), all Commissioners are required to take oath before the Royal Court in the form set out in Part 1 of Schedule 1 to the Law before they begin to act in execution of the Commission Law.

Nomination

The Chief Minister wishes to nominate the following person for re-appointment by the States –

Mr. John Harris

Mr. Harris became Director General of the Commission on a part-time basis on 6th November 2006, succeeding Mr. David Carse whose contract as Director General, and appointment as a Commissioner, expired on 3rd November 2006. From 6th November 2006 until the end of his period of notice on 31st January 2007, Mr. Harris continued as Director International Finance in the Chief Minister's Department also on a part-time basis. From 1st February 2007, Mr. Harris's appointment as Director General became full-time and, on 28th February 2007, he was appointed by the States as a Commissioner for a term of 3 years. He was subsequently re-appointed by the States as a Commissioner for a second term commencing on 1st March 2010, which term will expire on 28th February 2018.

Experience since the date of the inception of the Commission in 1998 has shown that it is of great advantage for the Board of Commissioners and for the Director General for the person holding that position to be a Commissioner.

The Jersey Appointments Commission has confirmed that it would be appropriate for the Director General to remain a Commissioner for as long as he remains Director General.

Appointment of Commissioners and future changes

Under Article 3(2)(a) of the Financial Services Commission (Jersey) Law 1998, Commissioners are to be appointed by the States on the nomination of the Minister. It should be noted that the Draft States of Jersey (Appointment Procedures) (Jersey) Law 201- ([P.97/2017](#)) will in the future amend the position so that the Chief Minister will in the future make appointments of Commissioners. Equally, the Chief Minister has instructed the Law Draftsman to occur to amend the Financial Services Commission (Jersey) Law 1998 to make the role of the Director General on the Board *ex officio* and appointment to only be made upon taking up the role.

Other Commissioners

Other Commissioners have been appointed until the following dates –

29th November 2018

Advocate Debbie Prosser (*Deputy Chairman*)

19th January 2020

Mr. Peter Pichler

19th January 2020

Mr. Simon Morris

21st April 2020

Lord Eatwell of Stratton St. Margaret (*Chairman*)

31st May 2020

Crown Advocate Cyril Edward Whelan

13th September 2020

Mr. Markus Hardy Reutimann

31st December 2020

Mr. Michael Nelson de la Haye, O.B.E.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers to the Chief Minister, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from this proposition.