

# STATES OF JERSEY



## JERSEY FINANCIAL SERVICES COMMISSION: APPOINTMENT OF COMMISSIONER

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Lodged au Greffe on 11th May 2010  
by the Minister for Economic Development

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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 appoint Advocate Cyril Edward Whelan as a Commissioner of the Jersey Financial Services Commission with effect from 1st June 2010 for a period of 3 years.

**MINISTER FOR ECONOMIC DEVELOPMENT**

## **REPORT**

The appointment of Commissioners to the Jersey Financial Services Commission (the “Commission”) is dealt with in Article 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.”

A vacancy for a Commissioner will occur upon the retirement of Jacqueline Richomme on 31st May 2010, having completed 3 terms.

To ensure a proper balance on the Board, the Commission decided, on this occasion, to seek a replacement Commissioner with experience of the type of financial services supervised by the Commission or a regular user of such financial services.

The search for a Commissioner with such experience has followed an open and transparent process, which included public advertising of the vacancies. The recruitment process followed procedures agreed with, and overseen by, the Jersey Appointments Commission (“JAC”) and the JAC has confirmed that the recruitment process has met its requirements for openness of competition, impartiality, equality of opportunity and selection based on merit.

The Minister for Economic Development wishes to nominate the following person for appointment by the States –

**Advocate Cyril Edward Whelan**

Called to the English Bar in 1979 and to the Jersey Bar in 1982, Advocate Whelan has spent 28 years as senior legal adviser in the Law Officers' Department in Jersey. He was appointed to the office of Crown Advocate immediately upon the creation of that office in 1987 and remains the Island's Senior Crown Advocate.

As head of the Section within the Law Officers' Department responsible for Serious Crime and International Mutual Legal Assistance, Advocate Whelan has advised on all aspects of public law, including serious crimes such as complex fraud and money laundering.

Advocate Whelan has also acted on behalf of successive Attorneys General in the implementation of major regulatory and mutual assistance legislation in Jersey and has been involved in high profile investigative and litigation work relating to asset recovery on behalf of governments worldwide.

Advocate Whelan retired from the Law Officers' Department in 2007 and is currently a Senior Consultant at the local law firm BakerPlatt and is also a Door Tenant of Chambers at Seven Bedford Row, London.

**Financial and manpower implications**

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