
STATES OF JERSEY



JERSEY COMPETITION REGULATORY AUTHORITY: RE-APPOINTMENT OF NON-EXECUTIVE MEMBER

**Presented to the States on 2nd February 2022
by the Minister for Economic Development, Tourism, Sport and Culture**

STATES GREFFE

REPORT

Under Article 3(3A) of the [Competition Regulatory Authority \(Jersey\) Law 2001](#) (the “**Law**”), the Minister for Economic Development, Tourism, Sport and Culture (the “**Minister**”) is required to notify the States of appointments of Members of the Jersey Competition Regulatory Authority (the “**JCRA**”).

After consultation with the Chair of the JCRA, Ms Stephanie Liston, the Minister appointed Mr Paul Masterton as a Non-Executive and Senior Independent Member to the Board of the JCRA for a further term under powers conferred by Article 3(1)(b) of the Law. The period of appointment is from 13th February 2022 for a term of three years, to expire on 12th February 2025.

Background

Members will recall that Mr Masterton was first appointed to the Board of the JCRA as a Non-Executive Member in 2017 for a period of two years, commencing on 13th February 2017 and expiring on 12th February 2019 (R.20/2017). Subsequently, in February 2019, Mr Masterton’s Board appointment was extended for an additional period of three years to expire on 12th February 2022 (R.12/2019). At the same time, Mr Masterton was also appointed to the role of Senior Independent Member of the JCRA.

Members will also recall that from 1st January 2020 until 30th June 2020, Mr Masterton served as interim Chair of the Authority for a transitional period (R.144/2019). The previous Chair of the JCRA, Mr Michael O’Higgins, was standing down at the end of his term on 31st December 2019 and Mr Masterton’s temporary appointment allowed for a recruitment process for a new permanent Chair to conclude and maintained the legal requirement for the Authority to consist of a Chair and two other Members. Mr Masterton’s temporary appointment as Chair of the JCRA coincided with the process to separate the Channel Islands Competition and Regulatory Authorities (“**CICRA**”) and revert to a Jersey-only Authority. On expiry of Mr Masterton’s term as Chair of the JCRA, he resumed his current roles as Non-Executive and Senior Independent Member of the Authority.

The end of Mr Masterton’s current term of office is now approaching and on 23rd December 2021 the Chair of the JCRA wrote to the Minister to recommend the re-appointment of Mr Masterton as a Non-Executive and Senior Independent Member to the Board of the JCRA. The Chair proposed that Mr Masterton is re-appointed to the Board for a further term of three years, commencing on 13th February 2022 and expiring on 12th February 2025. The rationale behind the recommended three-year appointment is to create a staggered appointment process for JCRA Non-Executive Member vacancies, taking into account that the appointments of the other current Non-Executive Members expire in 2023 and 2024 (R.113/2020).

Article 4(2) of the Law allows re-appointment of Members of the Authority stating that “[a] member shall be appointed for a period not exceeding 5 years and upon expiry of such period shall be eligible for reappointment”. Furthermore, Jersey Appointments Commission Guidelines in principle allow re-appointment up to a period of nine years.¹ In line with these Guidelines, upon expiry of his renewed term, Mr Masterton will have served on the Board of the JCRA for a total of eight years.

Recommendation of Mr Masterton

Following Oxera's 2015 "Review of the Jersey Regulatory and Competition Framework" (R.123/2015), the Board of the Authority identified the need to reinforce the level of local business knowledge at Non-Executive level.

In February 2017, this led to the appointment to the Board of Mr Masterton as a Non-Executive Member for an initial term of two years. The process leading up to this appointment was overseen by the Jersey Appointments Commission. It commenced with adverts placed locally in the Jersey Evening Post.² By the closing date, 28 applications had been received. Applications were made subject to a shortlisting process, undertaken by the recruitment Panel. The appointment process ultimately resulted in the recommendation of Mr Masterton.

Mr Masterton has strong ties with the local business community, acting as Chair of both the Jersey Development Company and the Insurance Corporation of the Channel Islands. Mr Masterton currently also serves on the Board of Directors of 3i Infrastructure as a Non-Executive and Senior Independent Director. 3i Infrastructure is a listed infrastructure investment company investing mainly in Europe and Asia, with a focus on the utilities, transportation and social infrastructure sectors. In addition to the above, Mr Masterton currently also chairs the Highlands College Board of Governors.

Furthermore, in 2012, Mr Masterton was appointed as the founding Chair of Digital Jersey, a partnership between the Government of Jersey and the digital sector to represent and promote the industry. Mr Masterton stood down as Non-Executive Chair in June 2017. Additionally, Mr Masterton previously also served as Non-Executive Chair at Irish Banks International and was Chief Executive of the Durrell Wildlife Conservation Trust between 2008 and 2013. Prior to this, he spent 25 years with R.R. Donnelley, a leading global provider of print, digital and supply chain solutions, where he ascended to the role of President of the European business. During his career, Mr Masterton successfully built and led management teams, with a focus on mentoring and development.

In her letter to the Minister of 23rd December 2021, the Chair of the JCRA underlined the valuable contribution Mr Masterton has made to the Authority since his first appointment to the Board in 2017, including serving as temporary Chair over the time of the separation of CICRA in 2020. Mr Masterton capably led the Authority through this challenging period and on the 1st of July 2020 the JCRA was successfully reconstituted as a Jersey-only body. The Chair furthermore emphasised the wealth of local and international business knowledge and the extensive board experience that Mr Masterton brings to the Board of the Authority.

Balance of the Board

There will be no change to the balance of the Board of the JCRA as a result of Mr Masterton's re-appointment. The current Board consists of:

- two long standing Jersey residents (Mr Paul Masterton and Mr Tim Ringsdore);
- two women (Ms Stephanie Liston and Dr Lara Stoimenova);
- two lawyers who have a broad legal knowledge (Ms Stephanie Liston and Professor Ian Walden); and
- one economist who is expert in regulation and competition (Dr Lara Stoimenova).

Resource implications

The Department for the Economy provides the JCRA with an Annual Grant to administer the [Competition \(Jersey\) Law 2005](#). Fees payable to Non-Executive Members of the JCRA are sourced from the Annual Grant made to the JCRA, as well as from the JCRA's own accounts. There are no other resource implications for the Government of Jersey arising from this appointment.