

STATES OF JERSEY



JERSEY FINANCIAL SERVICES COMMISSION: APPOINTMENT OF COMMISSIONER

Lodged au Greffe on 20th October 2015
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 appoint Mr. Michael Nelson de la Haye, O.B.E. as a Commissioner of the Jersey Financial Services Commission with effect from 1st January 2016 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 Chairman of the Commission, Lord Eatwell, has written to the Chief Minister on behalf of the Board of the Commission, recommending the nomination of the following person for appointment by the States –

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

Mr. de la Haye currently holds the post of Greffier of the States, and will be retiring from that post on 31st December 2015.

Prior to his appointment as Greffier of the States in 2002, Mr. de la Haye held the following appointments –

- Deputy Greffier of the States – October 2000 to November 2002
- Assistant Greffier of the States – February 1999 to October 2000
- Chief Clerk, Law Officers' Department – February 1994 to February 1999
- Chief Immigration Officer – Immigration and Nationality Department, Jersey, 1991 to 1994
- Immigration Officer – Immigration and Nationality Department, Jersey, 1986 – 1991.

Current voluntary roles –

- Chairman, Jersey Friends of Anthony Nolan charity
- Committee member, Alliance Française de Jersey.

Other Commissioners have been appointed until the following dates –

20th January 2016

Mr. John Averty (*Deputy Chairman*)

17th April 2017

Mr. Ian Wright, A.C.A.

17th July 2017

Mr. Stephan Wilcke

28th February 2018

Mr. John Harris (*Director General*)

29th November 2018

Advocate Debbie Prosser

19th January 2020

Mr. Peter Pichler
Mr. Simon Morris

21st April 2020

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

15th June 2020

Crown Advocate Cyril Whelan

13th September 2020

Mr. Marcus Ruetimann.

Financial and manpower implications

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