

**DRAFT COMPETITION REGULATORY AUTHORITY (JERSEY) LAW 200- (P.191/2000): AMENDMENTS  
(P.209/2000) - COMMENTS**

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**Presented to the States on 21st November 2000  
by the Industries Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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### **Comments on amendments of Deputy M.E. Vibert of St. Brelade**

The Committee does not support these amendments, which it believes would serve to compromise the independence of the JCRA from the States, and the need for this to be seen to be the case. Its reasons are as follows -

- (a) the JCRA must be as independent of the States as possible because it will be regulating the telecommunications and postal services industries where the States will own the major businesses. Later on, it is expected that the JCRA will take on the same role in respect of the other public utilities, where there is further significant States ownership;
- (b) States members as a body and States members individually have conflicts of interest in these matters, in both guises;
- (c) the Industries Committee's Terms of Reference, decided by the States last year, include duties related to consumer protection and safeguarding the public interest. The membership of the Committee has been carefully drawn to avoid conflicts of interest in such spheres. Appointment of the chairman by the Committee reduces the scope of both real and apparent conflicts of interest;
- (d) the appointment of the Chairman and members of the Postal Services Commission in the United Kingdom is undertaken by the Secretary of State. There is no debate in Parliament. The position is similar regarding the other United Kingdom utility regulators; and
- (e) if a States debate on the appointment of a Chairman were considered appropriate, the normal practice would be for the Law to require that that debate should be in camera, for obvious reasons. The amendments do not include provision in this regard.