

STATES OF JERSEY



JERSEY COMPETITION REGULATORY AUTHORITY: RE-APPOINTMENT OF CHAIRMAN

Lodged au Greffe on 28th February 2013
by the Minister for Economic Development

STATES GREFFE

PROPOSITION

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

in accordance with Article 3(1)(a) of the Competition Regulatory Authority (Jersey) Law 2001, to appoint Mr. Mark Boleat as a member and non-executive Chairman of the Jersey Competition Regulatory Authority for a further period of 3 years from 21st April 2013.

MINISTER FOR ECONOMIC DEVELOPMENT

REPORT

The States approved the Competition Regulatory Authority (Jersey) Law in November 2000. It received Royal Assent on 14th March and came into force on 1st May 2001.

Under Article 3(1)(a) of that Law, it is for the States to appoint one member of the Authority as its Chairman upon the recommendation of the Minister for Economic Development. Under Article 4(2) a member shall be appointed for a period not exceeding 5 years and upon expiry of such period shall be eligible for re-appointment.

The Minister recommends that the Assembly re-appoint the exiting Chairman, Mr. Mark Boleat, for a further 3 year term.

Mark Boleat as Chairman 2010–2013

Members will recall that Mr. Boleat became the Chairman of the JCRA following the tragic death of the former Chairman, the Rt. Hon. The Lord Kingsland in July 2009. Mr. Boleat was one of 27 candidates originally considered for the post, and was appointed following a process managed in accordance with the Appointments Commission Code.

Mr. Boleat has proved to be an efficient and effective Chairman, usefully combining his wide-ranging experience of regulation in the UK and internationally with his knowledge of the local business and political environment and the leadership skills that the board of a regulatory body needs.

A major achievement of his term has been the effective merger of the Jersey and Guernsey regulatory bodies, now operating under the banner of the Channel Islands Competition and Regulatory Authorities (CICRA). This has been achieved in an incremental way, by taking advantage of the need to appoint a new Chief Executive of the JCRA in 2010 and the decision of Guernsey to appoint a board for its regulatory authority and to implement competition legislation. There has been a direct cost saving to regulated businesses in Jersey of over £100,000 a year as a result of the merger, and because the Jersey and Guernsey authorities each have access to a wider range of resources and expertise, the merger has also produced a significant gain in efficiency and effectiveness.

Within the organisation, Mr. Boleat has had to handle the appointment of 2 new Chief Executives and has worked with those appointed to improve the quality of staffing generally. He has also ensured that the Board itself has the right balance of expertise and experience.

Three years ago there was valid criticism of the JCRA in that it appeared to devote substantial resources to theoretical studies of international mergers that had little or no relevance to Jersey. Mr. Boleat has overseen a re-prioritisation of the JCRA's work with respect to competition enforcement, away from dealing with such mergers and towards studies of local markets which are not operating in a way that provides maximum benefits to local consumers. Market studies on road fuel and heating oil have produced positive outcomes for consumers, action has been taken to introduce extra competition in the provision of school uniforms (with consequent reductions in prices paid by parents and carers) and the Authority has published a report on the local taxi market that the Transport and Technical Services Department is currently

considering. The JCRA's current work programme includes market studies on tobacco and groceries.

Regulatory bodies need to adapt to changing market circumstances. As post offices globally have faced a significant fall in the demand for their services so the need for price controls has diminished. In recognition of this, the JCRA has significantly reduced its role as a postal regulator. Conversely, the telecommunications sector continues to expand and the nature of the market is such that strong regulatory action is needed to ensure that customers are not unfairly treated. Mark Boleat has ensured that the JCRA has played its role effectively in these areas.

Since being appointed Chairman of the JCRA, Mark Boleat has taken on a significant role as Chairman of the City of London Policy and Resources Committee and he has also been appointed by the States as Chairman of the Jersey Development Company. However, he has continued to provide the necessary commitment to the JCRA, and now to its Guernsey counterpart (the GCRA) as well. He has not missed a Board meeting in 3 years and has always been available to talk to Ministers, officials and other stakeholders. He has expressed a willingness to be appointed for a second and final term.

Financial and manpower implications

The Economic Development Department provides the Authority with a grant to administer the Competition Law (£300,000 in 2013). There are no other financial or manpower implications for the States.

A short *curriculum vitae* for Mr. Boleat is appended.

Mr. Mark Boleat

Mark Boleat was born and went to school in Jersey. He graduated from Lanchester Polytechnic (now Coventry University) in 1970 with a first class BA honours degree in Economics. In 1971 he was awarded an MA in Contemporary European Studies by the University of Reading. He joined the Building Societies Association in 1974, holding a number of positions before being appointed Director General in 1986. He was also Director General of the Council of Mortgage Lenders when that organisation was created in 1989.

In 1993 he joined the Association of British Insurers, the largest British trade association, to become its first Director General. In 1999, Mark established Boleat Consulting, a consultancy business specialising in trade association strategy and management and the handling of public policy issues. He has helped establish, merge and reorganise trade associations in a number of sectors. He has also undertaken projects for the World Bank on housing finance in Russia, Nigeria and Egypt, and for the International Finance Corporation on housing finance in Uganda.

In addition to his consultancy work he has held a number of non-executive positions including being a non-executive director of the property development company Countryside Properties and of Travellers Insurance Company, Scottish Mutual and Abbey National Life.

He has been a member of several regulatory and public policy bodies including the National Consumer Council, the Gibraltar Financial Services Commission and the Regulatory Policy Committee. He also established the regulatory regime for claims management companies under the Compensation Act 2006 and was the first Claims Management Regulator.

Mark's principal position today is Chairman of the Policy and Resources Committee of the City of London Corporation. In that capacity he is also Deputy Chairman of TheCityUK and the International Regulatory Strategy Group, a Vice Chairman of London Councils and a Board member of London and Partners and the Centre for London. In the City he is also a member of the Finance, Police, Establishment and Investment Committees.

Mark has always maintained a keen interest in Jersey. He has written reports for the States on housing policy and consumer policy and chaired a working group on immigration. He has published a history of the Jersey population and for several years was Membership Secretary of the Jersey Society in London. He was appointed Chairman of the JCRA in 2010 and of the Guernsey equivalent, the GCRA, in 2012, having led the integration of the two bodies. He was also appointed Chairman of the Jersey Development Company in 2011.