

STATES OF JERSEY

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DRAFT COMPETITION (JERSEY) LAW 200- (P.37/2004): AMENDMENT

**Lodged au Greffe on 23rd March 2004
by Deputy J.L. Dorey of St. Helier**

STATES GREFFE

DRAFT COMPETITION (JERSEY) LAW 200- (P.37/2004): AMENDMENT

PAGE 47, ARTICLE 57(2) and (3) –

For the word “may” in both paragraphs, substitute the word “shall”.

DEPUTY J.L. DOREY OF ST. HELIER

REPORT

Article 57 relates to cases where the Jersey Competition Regulatory Authority advises a States' Committee on the effect (in competition terms) which a particular piece of legislation is having, or may in the future have.

It seems clear to me, that if the Authority finds something amiss, it should not have discretion about whether to inform the relevant Committee, but *must* do so in all cases, and must ultimately ensure that the matter is brought to public attention if the Committee should prove intransigent.

My amendment ensures that information will always be provided, in the manner described, and also 'fits' much better with the duty placed on the Committee in paragraph (4), that if a report drawing attention to a problem is produced by the Authority, it must be presented to the States.

Members may wonder why the word "may" is not also changed to "shall" in paragraph (1). This is because the effect of such a change would be to oblige the Authority to evaluate all new and existing enactments and comment accordingly, whether or not it was aware of them.

This amendment has no implications for the financial or manpower resources of the States.