

**STATES OF JERSEY LAW 1966, AS AMENDED:
DELEGATION OF FUNCTIONS - INDUSTRIES COMMITTEE**

**Presented to the States on 5th September 2000
by the Industries Committee**

STATES OF JERSEY

STATES GREFFE

150

2000

R.C.28

Price code: A

Report

On 16th August 2000, the Industries Committee made an Act delegating certain of its functions under Article 31 of the Electricity (Jersey) Law 1937 and Articles 14 and 22 of the Water (Jersey) Law 1972, as amended.

The terms of the delegation were recorded in an Act of the Committee as follows -

“B4. The Committee received and considered a proposed draft statement of delegated powers in pursuance of Article 36A of the States of Jersey Law 1966, as amended.

The Committee noted that this would enable it to delegate to its Regulatory Sub-Committee its functions under Article 31 of the Electricity (Jersey) Law 1937, and Articles 14 and 22 of the Water (Jersey) Law 1972, as amended.

The Committee, having considered the proposed statement and the accompanying report, agreed that it should be presented to the States for information, with a view to its publication and distribution.

The Committee requested the Greffier of the States to arrange for the said report to be presented at the earliest opportunity.”

Legislation: Article 31 of the Electricity (Jersey) Law 1937 and Articles 14 and 22 of the Water (Jersey) Law 1972.

Delegate: Regulatory Sub-Committee.

The Industries Committee, having regard amongst other matters to the decisions of the States on 4th July 2000 about the revised approach to the incorporation of Jersey Post and Jersey Telecoms, decided to delegate to its Regulatory Sub-Committee the exercise of its responsibilities for the postal, telecommunications, energy and water sectors with particular regard to the regulation of those sectors, to the incorporation of Jersey Telecoms and Jersey Post, to telecommunications liberalisation, and to the legislation leading to the creation of the Jersey Competition Regulatory Authority [JCRA]. This delegation was subject to the limitations specified in the following particular items and to any limitation which the Sub-Committee might itself impose, whereupon the matters concerned would be referred to the full Committee. In particular, and subject to the authority of the States and of all Committees other than the Industries Committee, the Sub-Committee will -

- consult with the Committee for Postal Administration and the Telecommunications Board, with the private sector, with the Guernsey authorities and with relevant parties in the United Kingdom and elsewhere with responsibility for domestic and international postal and telecommunications policy and practice;
- develop and take forward policy on telecommunications liberalisation;
- take forward all aspects of the amendment and development of existing drafts of the Postal and Telecommunications incorporation Laws and the Law to create the JCRA as a statutory body corporate and, the making of arrangements for implementation of the draft Laws themselves for approval by the Committee and, through the Committee, if the Laws so require, the States;
- prepare the way for agreements to be reached between the Committee and the Telecommunications Board and the Committee for Postal Administration about the referral to it of various licensing, regulatory and commercial matters ahead of the final implementation of the new Laws, and make recommendations to the Committee in respect of each such matter referred to the Committee under those agreements;
- develop the policies to be applied by the Committee concerning the governance of the JCRA, initially having regard to its role in relation to postal and telecommunications services but bearing in mind possible future extension of its remit to cover competition policy more widely, including the identification of persons to be appointed as members thereof in accordance with the proposed new Laws;
- consider and, if appropriate, develop a strategy for the Island concerning utilities generally and take, or recommend to the Committee, such action as may be necessary under existing powers available to the Committee or negotiated by the Sub-Committee;

- research, recommend to the Committee, and, if approved, develop competition legislation and structures for the Island utilising, if possible, the proposed Jersey Competition Regulatory Authority, including the giving of early consideration to the development of competition policy.