

**WRITTEN QUESTION TO THE CHIEF MINISTER  
BY SENATOR P.F.C. OZOUF  
ANSWER TO BE TABLED ON TUESDAY 6th MARCH 2018**

**Question**

In relation to the recent case pursued by the Jersey Competition Regulatory Authority regarding the oil sector, will the Chief Minister –

- a) provide a breakdown of the direct costs incurred by both the Authority and the States of Jersey, with the breakdown to include an assessment of the costs likely to be awarded or (if the amount is unknown) the costs that have been claimed;
- b) provide a breakdown of the indirect costs (for example, officials' and employees' time) incurred by both the Authority and the States of Jersey, including actual, estimated and indirect costs set out by quarter since the start of the case;
- c) explain how the costs provided in answer to parts (a) and (b) were funded and who ultimately bore the costs of the case;
- d) provide the names of the lawyers, both locally and from outside the Island, who were engaged in the case and, if there were changes to the lawyers engaged, explain the reasons for those changes;
- e) state the amounts paid to the firms named in answer to part (d);
- f) indicate the materiality of the case that was sought to be resolved; and
- g) provide the terms of reference for the review which has commenced following the Court's decision and indicate the reporting time for the review?

**Answer**

- a) and b).

The case referred to in this question concerns the JCRA's decision that ATF fuels had abused a dominant market position. Additional funding of £508,605 was provided to the JCRA. A further £33,965 has been applied from competition law grant reserves held by the JCRA.

Information on the indirect costs to the States of Jersey is not available as officials' time is not itemised in this way.

A key element of the costs are those that may be awarded to the appellant. The costs of the appellant are subject to a settlement process so there is no further information on costs at this time.

- c) The additional funds provided to the JCRA were made by the Chief Minister's Department from its budget, from end of year underspend allocation and from the States Central Contingency.
- d) The JCRA employed Baker and Partners and Ogier locally, and Brick Court in the UK. The local law firm changed because the nature of the appellant's case changed and it submitted new evidence through the appeal process. This altered the nature of the case the JCRA was defending and the nature of the legal representation required.

- e) No further information on costs will be disclosed until the settlement of costs is completed by the court. A final figure for legal fees will be published when all costs have been finalised.
- f) Members can see the arguments of the case by [reading the judgment](#). The question of general proportionality is being addressed by the review.
- g) The terms of reference are being developed and will be published when finalised.