

**WRITTEN QUESTION TO THE MINISTER FOR ECONOMIC DEVELOPMENT
BY THE DEPUTY OF ST. MARY
ANSWER TO BE TABLED ON TUESDAY 6th OCTOBER 2009**

Question

Can the Minister inform members of the criteria built into the Regulation of Undertakings (Jersey) Law 1973 at its inception and can he further advise members of what significant changes to these criteria have been made over the years and when these revisions took place?

Answer

The Regulation of Undertakings and Developments (Jersey) Law, 1973, has been amended on a number of occasions since its inception, as outlined in the End Notes in the latest version of the Law. Paragraph 6 of the Law deals with the matters which the Minister is permitted to have regard when determining a licence application, which currently reads:

- (1) The Minister may grant a licence either unconditionally or subject to such conditions as he or she considers appropriate, or may refuse the grant of a licence.
- (2) In deciding whether to grant a licence, to impose conditions, or to refuse to grant a licence the Minister shall have regard –
 - (a) to the need to regulate and manage demand on the resources of Jersey, and to protect integrity of Jersey in commercial and financial matters; and
 - (b) to the provisions of the Competition (Jersey) Law 2005 and to the decisions and directions of the Jersey Competition Regulatory Authority made or given under that Law.

The most significant amendments to paragraph 6 have been:

- In 1988, the ability to “have regard to the economic situation of the Island” was replaced with the ability to “have regard to the need to regulate and manage demand on the resources of the Island and to protect the integrity of the Island in financial and commercial matters”
- In 2005, the ability to have regard to the “provisions of the Competition (Jersey) Law, 2005 and to the decisions and directions of the Competition Regulatory Authority made or give under that Law” was introduced.

The Law is also supported by policy guidelines to aid consistency and the understanding of the public. These latest guidelines are available at www.gov.je/ChiefMinister/PopulationOffice and are as follows:

The criteria against which business applications are assessed:

- *The pressure to be placed on the Island’s resources;*
- *The need to maintain a balanced and prosperous economy;*
- *The need to maintain a range of job and training opportunities for locally qualified persons and school leavers, including apprentices, those over normal working age, and people in supported and special employment schemes;*
- *The importance of the service rendered to locally qualified persons;*
- *The track record of the undertaking in terms of profitability, and its contribution to tax revenues.*

*Decisions are also made having regard to the need to **protect the financial and commercial integrity of the***

*Island. The Minister shall also have regard to the provisions of the **Competition (Jersey) Law 2005** and the decisions and directions of the Jersey Competition Regulatory Authority, and as far as possible, to wider objectives, with a particular emphasis on encouraging environmental responsibility as a key element of managing demand on resources*