



Regulatory Consultation Process

Information Note

Guernsey Competition & Regulatory Authority

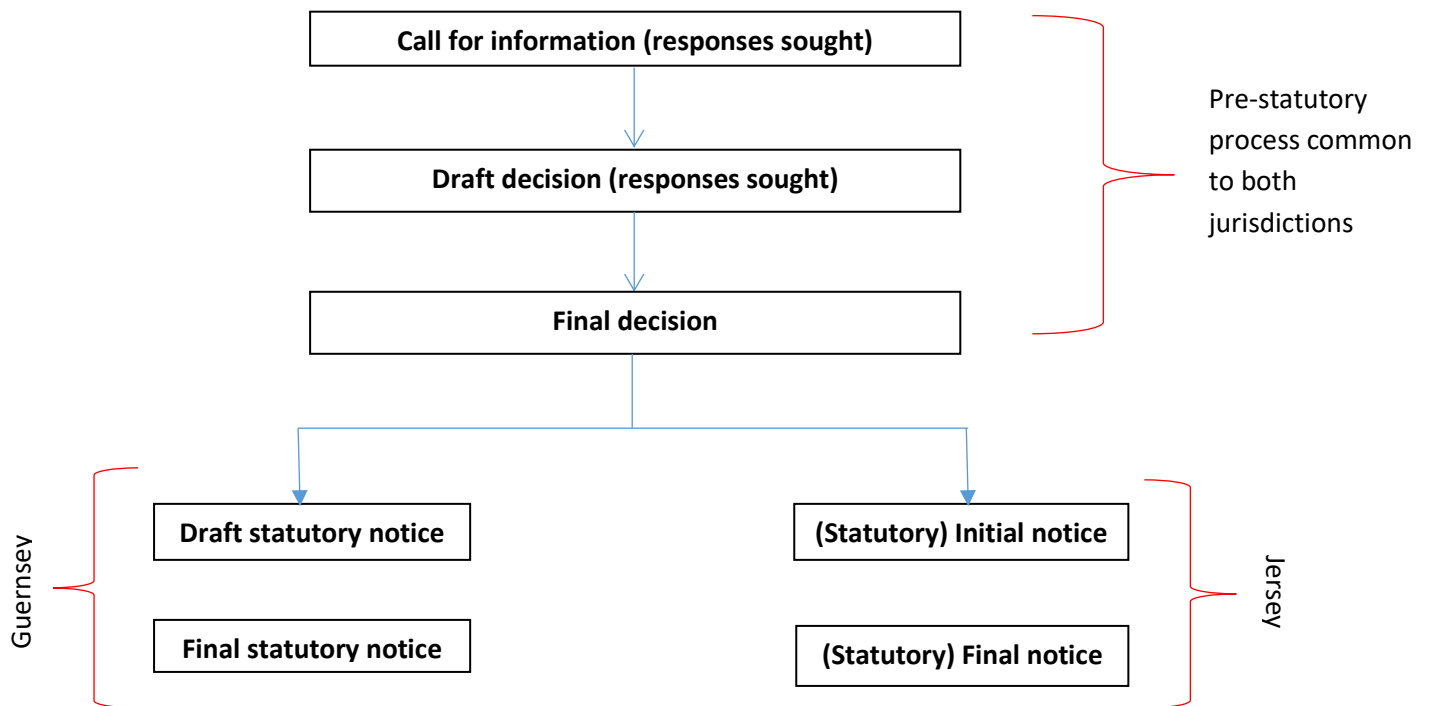
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1. BACKGROUND

- 1.1. In July 2018, the Channel Islands Competition and Regulatory Authorities (**CICRA**) amended its regulatory consultation process to include two additional non-statutory steps (non-statutory draft decision and non-statutory decision).
- 1.2. The amended regulatory consultation process is set out below in diagrammatical form:



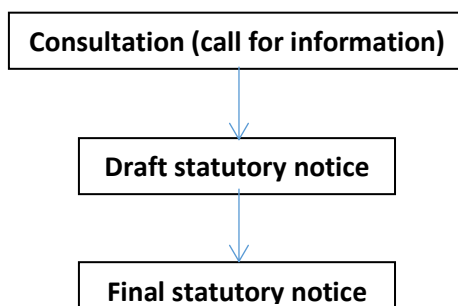
- 1.3. Its reasons for doing so were set out in a consultation document¹ and an information note² published on its website. In summary:
- The legal consultation procedures in the two jurisdictions differed markedly from each other, with the Jersey procedure being significantly more prescriptive and longer than that applied in Guernsey. This led to duplication of effort for both CICRA and respondents, since it could require parties to respond to two distinct sets of documents at each stage of the process; and
 - The prescriptive Jersey statutory process made it difficult to seek the views of respondents at an early stage in a formal, but flexible, manner.
- 1.4. With effect from 1 July 2020, the Guernsey Competition and Regulatory Authority (**GCRA**) and the Jersey Competition Regulatory Authority (**JCRA**) ceased to operate as a single pan-Channel Island Authority (CICRA) but instead reverted to working as separate insular Authorities.

¹ Document No: CICRA 18/11

² Document No: CICRA 18/29

2. ISSUES AND ANALYSIS

- 2.1. Following the termination of the CICRA arrangements, the GCRA has considered whether it is appropriate to retain the expanded consultation process or whether the interests of stakeholders in Guernsey would be best served by following the process used by the GCRA prior to July 2018, which is set out below in diagrammatical form:



- 2.2. For the following reasons, the GCRA concludes that it is appropriate to revert to this pre-July 2018 consultation process.
- 2.3. First, the GCRA is now operating in a purely Guernsey context rather than as part of a pan-Channel Island body (CICRA). The expanded consultation process, which was adopted to deal with the challenges associated with operating pan-Channel Island consultations and with the nature of the Jersey statutory process, may therefore be unnecessary (and unnecessarily burdensome) for regulatory consultations which are Guernsey-only.
- 2.4. Second, the GCRA is mindful of the increased regulatory and administrative burden involved in operating a regulatory process with additional steps, both for its stakeholders and for the Authority itself. It notes that the operation of the expanded consultation process in practice has led to a degree of duplication. Removal of the additional steps would therefore be likely to reduce the regulatory burden on stakeholders and improve procedural efficiency.
- 2.5. Third, the removal of the additional steps will not lead to procedural unfairness. This is because the Authority retains the ability to operate the non-statutory call for information phase of its regulatory consultations flexibly and to issue multiple calls for information or targeted information requests in appropriate cases. Stakeholders will therefore retain the ability to put all relevant matters before the Authority and the GCRA will retain the ability to gather relevant evidence.

3. CONCLUSION

- 3.1 For the above reasons, with effect from the date of publication of this information notice, the GCRA will revert to the consultation process described in paragraph 2.1 above, whilst noting that it may be appropriate to issue multiple calls for information or information requests in certain cases.

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