

Joint Regulators Group – Terms of Reference

The Joint Regulators Group (JRG) is an association of the UK's economic and competition regulators.

Mission statement

“The JRG exists to support its members in delivering their own statutory remits, and to add value by visibly supporting the coherence of the UK system of economic regulation.”

Purpose

The JRG delivers its Mission in three main ways:

1. Enabling regulators to explore common issues and develop common approaches where appropriate to sectoral circumstances. JRG provides a ready-made structure to govern collaborative work.
2. Providing a “go-to” point for government, investors or other stakeholders on issues that are common to the UK economic regulatory system. JRG has no opinions of its own, but enables joint communication by its members. JRG acts transparently and facilitates communication.
3. Supporting effective information exchange between regulators.

Membership

Current JRG members are listed at Annex A.

JRG members are organisations that discharge statutory duties in relation to economic regulation, consumer protection and/or competition law within the UK; and that have statutory independence from Ministers.

Members' statutory remits vary, and some extend to other issues (e.g. safety, prudential regulation, procurement or auction administration, administration of subsidy or financing schemes). These are not criteria for membership but may nevertheless be issues on which members may choose to collaborate. (And JRG might choose to collaborate with non-member organisations on particular issues.)

Joining the JRG

Annex A may be amended from time to time on the basis set out below.

Organisations can petition the JRG Chair for membership or be sponsored by a current JRG member. Membership of the JRG can only be granted following unanimous agreement of the current members.

Ministerial departments

In order to maintain the independence of the regulators, ministerial departments and departments or agencies under ministerial direction may not be members of JRG. However, with the agreement of JRG members, such bodies may participate in JRG activities.

Appeal Bodies

Organisations that hear appeals against decisions of JRG members (e.g., the Competition Commission or Competition Appeals Tribunal) may not be members of JRG.

Regulated companies

Organisations subject to decisions of JRG members may not belong to JRG, nor may their advisors.

Governance

JRG has no legal personality. It owes its existence to the continued willingness of members to participate, and hence to its ability to add value. JRG has no resources other than those provided by its members.

Committee Structure

JRG consists of an Executive, facilitated by the Troika, and a series of sub-groups that report to the Executive.

Executive. This meets quarterly. Members can choose their own representatives, who will be selected so as to be able to express a strategic, whole-organisation point of view and be up-to-date on the range of issues facing them. Members will put in place internal co-ordination and delegation structures as appropriate to ensure this.

The aims of this group are:

- To share information;
- To discuss topics of shared interest;
- To support the Troika in monitoring delivery of the JRG work-programme;
- To make formal decision on the direction and outputs of the JRG.

Troika. This group consists of the current JRG Chair plus the previous year's and next year's Chair. (The Chair is appointed by the Executive, and the post rotates from one member to another each year.)

Table 1: Executive chairs to 2014

Year	Regulator with the Chair
2011	ORR
2012	CAA
2013	Ofgem
2014	Ofcom

Under the leadership of the current Chair, the Troika's aims are:

- To set agendas for Executive meetings;
- To consider who, beyond members, should be invited to attend Executive meetings and otherwise participate in JRG activities;
- To monitor delivery of the JRG work-programme;
- To represent the JRG, subject to the provisions below.

Communications Group. This group exists to support information-sharing between JRG members, and about JRG work with external stakeholders. Its main aims are therefore:

- To manage JRG use of web-sites or other communications resources;
- To facilitate sharing of information between JRG members about topics of common interest;
- To co-ordinate communication with external stakeholders about collaboration between JRG members.

Standing work groups. These may be created by a decision of the Executive. They operate according to their own Terms of Reference but in case of any clash, the overall JRG Terms of Reference apply. The value of continuing with any particular standing work group, and their Terms of Reference, must be reviewed at least every two years.

Their aim is to pool expertise on particular topics, and to provide the best available advice to JRG members.

Each standing group should have a Chair. It is the Chair's responsibility to ensure that the standing group sets and agrees terms of reference (subject to approval by the Executive), provides minutes of meetings, and regularly updates the Troika.

Ad hoc work groups. These may be created by a decision of the Executive. They operate according to their own Terms of Reference but in case of any clash, the overall JRG Terms of Reference apply. Ad hoc work groups will not normally run for more than 12 months.

Their aim is to deliver particular pieces of work.

Each ad hoc group should have a chair. It is the Chair's responsibility to ensure that the ad hoc group sets and agrees terms of reference (subject to approval by the Executive), provides minutes of meetings, and regularly updates the Troika.

JRG is available to members as a "clearing house" for collaboration. Such work can be on a formal footing through JRG work groups, or informally/bilaterally. Members are encouraged to keep other members informed of collaborative work.

Other cross regulator working groups

The JRG recognises that it is one of a number of cross regulator groups. In conducting its agenda the JRG will, as the membership deems appropriate, liaise with other cross regulator groups to further mutually beneficial aims.

Conduct of business

Work programme

The JRG sets an annual work programme. The Troika will initiate consultation on this programme during Q3 of the year before, and the programme will be fixed before the end of that year.

Consultation on the programme will be carried out in a manner that assists members to understand and manage the resource implications of proposals.

The JRG work programme is approved by the JRG Executive on a unanimous basis, although members might make clear in advance that they do not intend to participate in some parts. Following approval, members will hold themselves accountable to provide resources to deliver the work programme.

Executive procedure

The agenda for the JRG Executive is set by the Chair. The Chair will consult with members at least two weeks ahead of the meeting.

The Executive works by consensus.

It is expected that members will not block adoption of work in which they have not been involved, unless they have material grounds for believing it will prejudice their ability to deliver their statutory remit. In this case the work will be referred back for revision, with the involvement of the dissenting member.

External work, commitments and publications

The JRG does not have the power to take positions that are not the agreed shared position of the membership, or commit to external actions under the JRG banner without the agreement of its members. The following processes are intended to give effect to these principles:

- The Chair is empowered as a spokesperson for the JRG to the extent that positions shared by the membership are already established for external communication. The Chair may not commit the resources of the JRG to future actions without appropriate consultation of all members. Further the chair should avoid commentary on issues that are firmly within the remit of a specific sectoral regulator.
- Approval for actions or shared positions must be sought by consensus at Executive committee meetings or by email between member representatives.
- Work products from standing or ad hoc work groups will remain in draft and may not be finalised or published until approved by the JRG Executive.

Confidentiality

Within the spirit of open discourse and free sharing of information it is expected that all meetings held under the JRG banner will be conducted with an adequate view of confidentiality. The baseline for this is provided by members' statutory duties on this point. More widely, the level of confidentiality will be determined by the individuals meeting at the time. This may vary therefore from the 'Chatham House rule' to non-disclosure of information discussed without the express permission of the regulator involved.

Intellectual property

Intellectual property created through JRG activities remains the property of the members involved.

Finance and staff

As JRG has no legal personality, nor can it have its own funds, nor staff resources.

Staff and financial resources required to carry out the work programme will be identified when that programme is developed. JRG will endeavour to carry out forward planning at a time and in a way

that facilitates members' ability to resource agreed JRG projects. JRG planning should be such that it is reactive to the changing needs of its members and the wider UK and European policy context

Review

These Terms of Reference are subject to review by the sitting Chair annually.

The status of the OFT as an observing member should be review in light of these (or subsequent) terms of reference following the further development of the Competition and Markets Authority to ensure the independence of both the Regulators and the Appeals body.

Version control

Version	Approval	Action	Date
0.3	CAA	Circulated for comments to other JRG members	10.01.12
0.4	CAA	Circulated for further comments to other JRG members	
0.5	CAA	Includes comments from other regulators (Ofgem,...)	
0.6	CAA	Modifications arising from JRG 19 th May meeting for formal adoption	23/04/2012
1.0	CAA	ToR adopted by the membership of the JRG	21/05/2012

Annex A: Membership

Full members

Short form	Statutory name	Key contact
CAA	Civil Aviation Authority	Thomas Carr Thomas.carr@caa.co.uk
Monitor	Independent Regulator for NHS Foundation Trusts	Jackie Hummel Jackie.hummel@monitor-nhsft.gov.uk Amy Caldwell-Nichols Amy.caldwell-nichols@monitor-nhsft.gov.uk
Ofcom	Office of Communications	Matthew Conway, Director of Regulatory Development and Nations (020 7981 3618, matthew.conway@ofcom.org.uk)
Ofgem	Gas and Electricity Markets Authority	
Ofwat	Water Services Regulation Authority	
ORR	Office of the Rail Regulator	
HCA	Homes and Communities Agency (Regulatory Committee)	
Utility Regulator	Northern Ireland Authority for Utility Regulation	
WICS	Water Industry Commission for Scotland	

Observers

Short form	Statutory name	Key contact
OFT	Office of Fair Trading	