

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL BY  
THE DEPUTY OF ST. MARY  
ANSWER TO BE TABLED ON MONDAY 21st SEPTEMBER 2009**

**Question**

Given the potential risk to the States of successful actions for damages, or people seeking injunctions on departments to stop them behaving in certain ways, and given the States' duty of care to the public, can H.M. Attorney General advise members what remedies, if any, are available to members of the public who think that a Minister or a department has damaged their individual interest, the interests of their group, or the interests of islanders as a whole, and how these various remedies may be set in motion.

Can H.M. Attorney General provide members with examples of where these various remedies have been adopted and the outcomes, and advise where such examples and explanations may be found?

**Answer**

This question is far too broad to permit any constructive answer. Legal advice is not given in the abstract. Legal text books are available for that purpose. Legal advice is tailored to a factual matrix which is put to the lawyer for consideration.

Assuming that there is a basis in law and on the facts to succeed in a claim, the remedies available to an individual plaintiff or applicant are damages, injunctions, certiorari, declarations and the remaining prerogative orders such as mandamus and prohibition. These remedies would be considered where a plaintiff had established a breach of contract or other statutory duty, his claim in tort, or had shown improper administrative action which would be corrected by judicial review or administrative appeal.