

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 7th JUNE 2011

Question

Have the Courts in Jersey ever issued ‘super injunctions’ which prevent not only the disclosure of certain facts, such as the identity of the parties to an injunction, but also that such an injunction exists at all?

Answer

The existence of a “super injunction” as described in the question will only be known to the Court, the parties and their lawyers. Unless I was a party to such an injunction I would not be aware of it. If a party, I would be bound by its terms which would include an obligation not to disclose its existence.

If, for example, I wanted in this answer to confirm the existence of any such injunctions in Jersey I would not only be breaching their terms but also would be thwarting the intention and order of a court.

If, on the other hand, I wanted in this answer to confirm that I was unaware of any such injunction given by the Courts of Jersey because that statement did, in fact, reflect my true understanding then, if I were to be asked the same question on a later occasion, any absence of a similar statement would be taken as an indication that I was aware that such an injunction existed and, possibly, that I was bound by its terms.

I think that, for these reasons, this is an occasion on which I should not answer the question.