

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 6th NOVEMBER 2012**

Question

- a) Would the Attorney General explain the circumstances in which a States Department or States appointed body could seek a so-called super-injunction on behalf of named individual private citizens?
- b) In the event of a so-called super-injunction being sought by any States Department or States appointed body would the Attorney General explain how the States Assembly can effectively hold those bringing such actions to account either to prevent an abuse of power or for the expenditure of public money when it currently has no means of effectively knowing about such actions?

Answer

- (a) There is no States Department or States Appointed Body that can obtain a super-injunction on behalf of any private individual. That right vests in and remains with the private individual.
- (b) The Royal Court determines whether or not any injunction should be ordered on the application of a private citizen. If the application is justified, then the States Assembly will not be told about it because the Royal Court has determined that it is in the interests of justice that the proceedings remain private. In circumstances in which the order is justified, the need to “hold someone to account” cannot arise and in any event, States Members will not wish to subvert a Court Order. A party to the litigation who is unhappy with the Court’s decision has a right of appeal. If the application for an injunction is not justified, then the Royal Court will order that the court proceedings should be heard in public and then the States Assembly will become aware of the matter.