

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 1ST NOVEMBER 2016**

Question

What measures, if any, are in place within the Law Officers' Department to ensure the timely provision of information and records to advocates and members of the public in cases where a claim has been made against a Government Department, and how do these measures ensure that such claims do not become 'time-barred'?

Answer

The general purpose of the Law Officers' Department Code of conduct for lawyers is "*to provide the requirements for working as a lawyer in the Law Officers' Department and the rules and standards applicable to such lawyers which are appropriate in the interests of justice and in relation to the performance of all their duties as public officers*". Among the requirements of the Code are that a lawyer must not engage in conduct whether in pursuit of his/her profession or otherwise which is (among other things) prejudicial to the administration of Justice or liable to bring the Department into disrepute. The Code applies to all lawyers in the Department and any breach of the Code is treated as a matter of discipline. Any deliberate, or negligent, omission to ensure the timely provision of information and records in cases where a claim has been made against a Government Department (or any other claim) would therefore be treated as a matter of discipline.

At all events the Deputy is referred to the answer to his question (9663) of 11th October 2016 to the Attorney General. If the Court were to find that the delay in the provision of certain information created a practical impossibility of bringing a certain claim, that claim would not be time-barred in any event. If on the other hand it did not create such a practical impossibility, the claim would be time-barred because it would not have been the absence of the information that had prevented the claim from being brought.