

**WRITTEN QUESTION TO THE CHIEF MINISTER  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 22nd MARCH 2016**

**Question**

Will the Chief Minister set out the policy of the Council of Ministers, if any, regarding the defence of defamatory statements, both oral and in writing, published by officers of States Departments and Ministers?

Will he further explain whether he thinks it acceptable that those responsible for making defamatory statements should be defended by the Law Officers Department, Crown Advocates or other advocates at public expense when legal aid is not available for such causes of action and most ordinary individuals cannot afford the legal costs of such action?

Would the Chief Minister also advise whether he agree that all Ministers and States employees should defend at their own cost legal actions brought against them for any alleged defamatory statements made during the course of their employment?

**Answer**

Any actions for defamation are considered on their own merit.

The Law Officers' Department does not act for individual officers or ministers in relation to claims which arise from statements made in their private capacity.

If a claim is made against a minister or officer in respect of a statement made when exercising his/her ministerial or professional functions then the Law Officers' Department may decide to assist, but their decision would depend on the facts of the case. The Law Officers' Department would only consider assisting in respect of statements made in the course of their official duties and that decision would depend on the facts of the case.