

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 18th FEBRUARY 2014**

Question

Will the Attorney General -

- (a) confirm whether the law differentiates between a person who libels another and a person who repeats the libel by publishing it in a written form;
- (b) outline whether there are any exemptions to the law of defamation for government departments and public bodies?

Answer

- (a) Libel is the written form of defamation (as opposed to slander which is the spoken form). Each publication of a statement which repeats an earlier libellous statement is itself a libel;
- (b) the Attorney General is not aware of any general exemptions for government departments or public bodies from the law of defamation. However there are statutory provisions that give specific exemptions to some public bodies in some circumstances (see, for examples, Article 43 (1)(a) of the Public Records (Jersey) Law 2002 and Article 121 of the Broadcasting (Jersey) Order 2003) and some public bodies enjoy absolute privilege (for example, a statement made in a court). In addition, defences such as “qualified privilege” may be open to public authorities against any claim in defamation.