

## Recognition and Enforcement of Foreign Judgments in Guernsey

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There are two routes for the enforcement of foreign judgments in Guernsey.

### 1. The Statutory method

- This is only available for judgments from Curaçao, England and Wales, the Isle of Man, Israel, Jersey, the Netherlands, Northern Ireland, Italy, Scotland, Sint Maarten, Surinam which can be registered in Guernsey following a specified statutory process.
- It must be a judgment of a superior court such as the High Court in England and Wales and not the county court;
- The judgment must be final and conclusive – it is possible to enforce even if the time for appeal has not yet expired;
- The foreign court must have had jurisdiction to grant the judgment applying common law conflict of laws principles.

Once registered, the foreign judgment is enforceable in Guernsey in the same way as a Guernsey judgment. Following registration the judgment debtor has 14 days to apply to have the registration set aside.

### 2. The Common Law method

- For all other countries, a judgment creditor must rely upon common law principles to have a judgment recognised and thereafter enforced in Guernsey.
- This requires suing on the foreign judgment in the same manner as one would for a simple civil debt.
- It is unusual for defences to be lodged. The foreign judgment may only be challenged if:
  - the foreign court did not have jurisdiction to give judgment;

- the judgment was obtained by fraud on the part of the judgment creditor and/or the foreign court;
- enforcement of the foreign judgment would be contrary to Guernsey's public policy; or
- the proceedings before the foreign court were contrary to natural justice.

## Enforcement

Once a foreign judgment has been registered or recognised, it can then be enforced in Guernsey.

- Enforcement against personalty is carried out by Her Majesty's Sheriff who has wide powers to investigate, arrest and sell personalty situated in Guernsey. In the case of insolvent debtors a customary law process of *désastre* is available with a specific;
- Enforcement against real property requires a three stage customary law procedure known as *saisie*.

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