

Snapshot: starting civil proceedings in Guernsey

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Civil litigation procedure in Guernsey is governed by The Royal Court Civil Rules 2007 ("RCCR").

All commercial disputes with a value over £10,000 will be heard in The Royal Court of Guernsey, disputes with a lower value, known as Petty Debts, are dealt with in the Magistrate's Court.

If the Defendant is in Guernsey

To start proceedings in Guernsey, the RCCR require that a Cause shall be tabled before the Royal Court. The Cause needs to contain a statement of the material facts on which the Plaintiff intends to rely and a statement of the relief sought. This document is similar to the particulars of claim in England and Wales.

Before a Cause can be tabled, the Plaintiff must issue a Summons. This document must state the day and time when the Plaintiff intends to table the Cause before the Royal Court, which hearing takes place on a Friday morning at 9.30am. The Summons must contain a copy of the Cause and must be served on the Defendant by Her Majesty's Sergeant not less than two clear days before the tabling of the cause.

The Plaintiff must appear in court at the stipulated time to table the Cause. The Defendant is required to appear either in person or by their advocate to indicate if:

- they wish to defend the claim
- they consent to judgment or
- they intend to contest jurisdiction

If the Defendant fails to appear before the court at the stipulated time and the Cause has been properly served, then judgment will be awarded together with interest and costs.

Alternatively, if the Defendant chooses to defend the claim, they are required to table defences

within 28 days (although this can be extended to a maximum of 3 months with the consent of both parties). If defences are not tabled within this period, a judgement in default of defences may be entered against the Defendant.

If the Defendant is outside Guernsey

The RCCR provide that the permission of the Court is required in order to serve the Cause on a Defendant outside the jurisdiction of the Royal Court.

The Plaintiff must apply to court for leave to serve outside the jurisdiction with affidavit evidence in support to demonstrate:

- where the Defendant is located
- the method by which the Plaintiff proposes to serve the Defendant
- there is a serious issue between the parties for the court to resolve
- the matter is properly justiciable before the Royal Court e.g. alleged wrong occurred in Guernsey, assets are located in Guernsey, necessary parties and witnesses are in Guernsey, it requires interpretation of a Guernsey company, contract or statute, and
- that Guernsey is clearly or distinctly the appropriate forum for the trial of the dispute

Once the Plaintiff has obtained an Act of Court granting the requested permission, it must arrange for service on the Defendant in accordance with the terms set out in the court order. The court order will state how long the Defendant has to respond before the Plaintiff may continue to pursue its case.

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