

THE ROYAL COURT

APPLICANTS IN PERSON

October 2019

Royal Court House
St James Street
St Peter Port
Guernsey
GY12NZ

www.guernseyroyalcourt.gg



THE ROYAL COURT
OF GUERNSEY

RECIPROCAL JUDGMENTS

The Judgments (Reciprocal Enforcement) (Guernsey) Law, 1957 provides for the registration in Guernsey of judgments obtained in a superior court of a foreign jurisdiction that in turn provides reciprocal treatment to judgments made in Guernsey Courts. The scope of this Law is limited to a small number of jurisdictions such as the United Kingdom, Jersey, The Isle of Man, The Netherlands, Italy and Israel. For information regarding a country's status in regard to this law please refer to an advocate.

Which judgment's cannot be registered in Guernsey?

Not all judgments from reciprocating jurisdictions can be registered in Guernsey Courts. Some examples of judgments which cannot be registered include:

- Matrimonial cases against a person;
- Administration of deceased's estate;
- Insolvency;
- Winding up of companies;
- Guardianship of infants.

For a more detailed list of judgments which cannot be registered in Guernsey please refer to an advocate.

What do I need to do?

In order for a judgment from a foreign court to be registered in the Guernsey Courts, you will need to file an application, with supporting documentation (enclosing a copy of the Judgment which you are seeking to register) and submit it to the Greffe either in person at the Royal Court counter or by post, along with payment of the relevant fees. Two complete sets of the paperwork are required and must be filed by 4.00pm on the Wednesday preceding the Court date.

To assist, and for your guidance, a sample application is attached hereto. An explanation of the fees is also enclosed within this leaflet and this form must be completed and returned at the time of submitting the application.

Reciprocal Judgment applications are heard before the Friday Ordinary Courts which begin at 9.30 am on each working Friday of the year. When submitting an application, please indicate which date you would like to have the application heard on.

Please note that forms can also be obtained on the Royal Court website: www.guernseyroyalcourt.gg.

Should you require legal advice please refer to an advocate.

Rule 90 of the Royal Court Civil Rules, 2007 – Form A

APPLICATION FORM



Application to the Bailiff for leave for a summons to be signed by the plaintiff himself or by his guardian. Two copies of this form, each with a copy of the proposed summons attached, must be completed and delivered to HM Greffier, together with the application fee of £115.

1. Name and address of plaintiff

.....
.....
.....

2. Name and address of defendant

.....
.....
.....

3. I hereby apply to the Bailiff for leave to sign the attached summons and serve it on the above defendant

4. Signed.....

5. Dated.....

When processing your personal data, these offices are compliant with the Data Protection (Bailiwick of Guernsey) Law, 2017. For more information about how these offices process your personal data, please view the Fair Processing Notice available at the Royal Court Public Counter or on the Royal Court Website Homepage.

Following receipt of this application, HM Greffier will refer it to the Bailiff. HM Greffier will notify the plaintiff of the result of his application by sending to him a copy of this form with the result of the application entered at the top of the form.

If leave is granted, the plaintiff must then request HM Sergeant to serve a copy of the summons, with a copy of this form attached, and pay HM Sergeant the appropriate summons fee.

SAMPLE - APPLICATION RE RECIPROCAL JUDGMENT

(Date)

IN THE ROYAL COURT OF GUERNSEY

ORDINARY COURT

IN THE MATTER OF PART II OF THE JUDGMENTS (RECIPROCAL ENFORCEMENT)
(GUERNSEY) LAW 1957

AND IN THE MATTER OF A JUDGMENT OF THE (ENTER NAME OF COURT)
OBTAINED IN PROCEEDINGS BETWEEN (ENTER NAME OF APPLICANT) AND
(ENTER NAME OF DEFENDANT)
DATED

(Insert name of Applicant) whose address for service is *(insert address)* (the Judgment Creditor)

APPLIES TO THE COURT

1. Pursuant to the provisions of Part II, section 4 (1) of the Judgment (Reciprocal Enforcement) (Guernsey) Law, 1957, as amended and also to the provisions of the Judgments (Reciprocal Enforcement) (Guernsey) Rules, 1972, as amended for an order that:

1.1 the judgment dated *(insert date)* made by the *(insert name of Court)* (the Judgment) whereby it was adjudged that *(insert name)* (the Judgment Debtor) shall pay to the Judgment Creditor:

- (a) the sum of *(insert amount in words and figures)* together with interest thereon at the rate of *(insert interest rate)*% per annum over the *(insert as appropriate)* lending rate from *(insert date)*; and
- (b) the sum of *(insert amount in words and figures)* together with interest thereon at the rate of *(insert rate)* from *(enter date)* until payment,

EXTRACT FROM THE ROYAL COURT CIVIL RULES, 2007

Signing of summonses etc. otherwise than by an Advocate.

90. (1) A summons, signification or other document is not formally invalid by reason only of the fact that it is not signed by an Advocate, notwithstanding the provisions -

- (a) of these Rules,
- (b) of the Ordonnance relative aux Ajours et aux Causes mises devant la Cour Royale of the 27th October, 1934¹, or
- (c) of any other rule of statutory or customary law imposing formal requirements as to the signing of summonses,

provided that the conditions set out in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are -

- (a) the person wishing to serve the summons ("the applicant") has lodged two copies of the summons with the Greffier,
- (b) the Greffier, at the request of the applicant (made in such form as the Greffier may require), has fixed a date, time and place for the making of an ex parte application to the Bailiff for leave under subparagraph (c), and
- (c) the Bailiff, on hearing the application, has given leave for the summons to be signed by the applicant himself or, where appropriate, by his tuteur or curateur or by the person

¹ Recueil d'Ordonnances Tome VII, p. 17.

appointed to act on his behalf pursuant to the provisions of Rule 32(1).

(3) The Bailiff, on an application under this rule, may give such directions as he thinks fit as to the hearing of the matter and may -

(a) grant leave, subject to such conditions as he thinks fit, or

(b) refuse leave,

and the decision of the Bailiff is final.

(4) For the purposes of this rule, "summons" includes a signification, petition or other document to be served by Her Majesty's Sergeant in connection with proceedings instituted, or to be instituted, before the Court.



Guernsey Court Fees

Name of Case:	
Application to Bailiff for leave to serve a summons or notification signed by applicant in person.	£115.00
Service of a summons, notice or document in any proceedings other than for recovery of a sum of money.	£60.00
Service of a summons, notice or document in proceedings for recovery of a sum of money.	£115.00; or, £176.00 (expedited)
Preparatory reading by a judge and writing of judgment in respect of any proceedings, per hour or part thereof, unless the judge otherwise directs and provided that no fee shall be payable for the first hour of such reading time or the first hour of such writing time.	N/A
First and each subsequent tabling of a cause, application or petition, filing of defences, and interlocutory applications.	
a) in proceedings for the recovery of a sum of money.	N/A
b) in proceedings relating to Reciprocal Judgment	£231.00
Proceedings before the Court requiring a hearing (up to 1 hour). (Exceeding one hour double the appropriate fee specified per hour or part thereof).	£231.00 (£462.00 per hour or part thereof)
Lodging of Affidavits	£60.00
Filing of Documents (Matrimonial Causes)	N/A

I have been shown the schedule of fees set out in the Cost and Fees Rules relevant to my application, which is available on the www.guernseylegalresources.gg website, and I understand that I will be charged for each application I make and the cost of the court hearing and other applicable fees.

Signed..... Date.....

Full name..... Telephone number (W)

E-mail address

PLEASE COMPLETE AND SIGN BOTH PAGES OF THIS DOCUMENT AND RETURN TO THE GREFFE TO ENABLE A COURT FEE ACCOUNT TO BE OPENED

IN THE NAME OF THE APPLICANT. FAILURE TO DO SO MAY RESULT IN THE APPLICATION NOT BEING HEARD BEFORE THE COURT.

SECTION A - Where the applicant is an individual

Title: Mr/Mrs/Miss

Surname

First name(s)

Middle name(s)

Maiden name

Date of birth

Address (including post code):

.....

Home telephone number

SECTION B - Where the Applicant is a company

Company name

Company address (including post code)

.....

Main (business) telephone number

E-mail address

Correspondence address (if different to address given above)

.....

Directors of the Company

.....

Company Registration Number

I CERTIFY THAT THE ABOVE DETAILS ARE ACCURATE TO THE BEST OF MY KNOWLEDGE

Signed..... Date.....

Full name..... Contact telephone number

E-mail address

When processing your personal data, these offices are compliant with the Data Protection (Bailiwick of Guernsey) Law, 2017. For more information about how these offices process your personal data, please view the Fair Processing Notice available at the Royal Court Public Counter or on the Royal Court Website Homepage.