

**PETTY DEBT CLAIMS IN THE MAGISTRATE'S COURT
SUMMONS, COURT AND ENFORCEMENT FEES
[Effective from 1 January, 2019]**

These fees apply to all Petty Debt claims brought before the Magistrate's Court. The Petty Debt Court sits on alternate Thursday afternoons, at 2:30pm, normally in Court 2.

In these notes

'Plaintiff' includes any Applicant or other person bringing civil proceedings of any sort before the Magistrate's Court.

'Defendant' includes any Respondent to an application before the Court, or any Debtor. A Defendant will be liable to pay Court fees in respect of proceedings begun by him, for example a counter-claim or counter-application, as if he were a Plaintiff.

1. Who must pay Summons, Court and Enforcement Fees?

- 1.1 **The Plaintiff** must pay the Summons, Court and Enforcement Fees. If, at the conclusion of a Court case, a Plaintiff is awarded 'judgment with costs', it entitles them to recover the Summons, Court and Enforcement Fees they initially paid, from the Defendant (or Debtor).
- 1.2 The Plaintiff must carefully consider the fees which may be incurred during proceedings. In particular, Court Fees will increase by up to £127 per hour if there is a contested hearing before the Court.
- 1.3 If there are adjournments and/or a contested hearing, the Plaintiff will receive a further account from the Greffe, in addition to the basic fees which they have to pay before the first Court hearing.
- 1.4 **The Defendant** must consider the fact that if judgment is awarded against them with costs, they will be required to pay to the Plaintiff the Summons, Court and Enforcement Fees which the Plaintiff had to initially pay to bring the case before the Court. These Fees would be in addition to the judgment debt, (i.e. the amount in respect of the actual debt which the Court orders the Defendant to pay to the Plaintiff).

2. How are the fees calculated?

- 2.1 **Issuing a Summons:** (cheques are payable to the H.M. Sheriff)

The fee is as follows:

Amount Claimed	Summons Fee
For recovery of a sum of money up to £10,000	£60

- 2.2 **Minimum Court Fee for the initial hearing:** (cheques are payable to the States of Guernsey)

The fee is as follows:

Item	Court Fee
For recovery of a sum of money	£127

- 2.3 By way of example, the minimum fee payable by the Plaintiff to bring a Petty Debt claim before the Magistrate's Court £187 (£60 Summons fee and £127 Court fee).

- 2.4 **Adjournment Fee:** If a Petty Debt claim has been adjourned at the initial, or any subsequent hearings, on the day which it has been adjourned to, a fee of £33 must be paid at the Royal Court public counter, no later than 2.15pm. This fee must be paid prior to every adjourned hearing taking place.
- 2.5 **Contested Hearing Court Fee:** If the action is adjourned to a fixed date for a contested hearing, no adjournment fee is charged. Court Fees will however be payable at a rate of £127 per hour.
- 2.6 Should a **Contested Hearing** take place, the Plaintiff will be sent an invoice by the Greffe for these additional fees.
- 2.7 **Remission of Court Fees:** Any person liable to pay Court Fees can apply to the Magistrate's Court to reduce the fees he is liable to pay. This should be done at the hearing where judgment is given by the Court.
- 2.8 **Witness Allowance:** Any party to civil proceedings may be ordered to pay a witness allowance of a reasonable sum, as determined by the Court, for each half-day that any person (including another party) has been required to attend Court to give evidence.
- 2.9 **Enforcement Fees:** At any point from when a Plaintiff has been awarded judgment by the Court, they can instruct H.M. Sheriff, to seek to recover the monies due by the Defendant by way of Enforcement; fees for enforcement are recoverable from the Defendant as part of the debt. H.M Sheriff Enforcement Fees are detailed on the Royal Court website.
- 2.10 **Arrest of Wages:** Should Enforcement by way of an arrest of wages be required, a fee of £33 must be paid by the Plaintiff prior to the action being undertaken.
3. **The Current Scale of Fees** was fixed by the Magistrate's Court (Fees) (Amendment) Rules, 2018, effective from 1st January, 2019 (See www.guernseylegalresources.gg)

Contact Details

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