

APPLEBY

OVERVIEW

LEGAL AND COURT SYSTEM IN GUERNSEY



INTRODUCTION

Guernsey is a self-governing Crown Dependency with its own legislature, courts and body of law. It is not part of the United Kingdom and it is not an independent state.

The Bailiwick of Guernsey comprises three distinct jurisdictions: Guernsey, Alderney and Sark. Each has its own legislature, courts and laws. Some legislation applies throughout the Bailiwick, and the Guernsey courts exercise specified appellate and other functions in relation to Alderney and Sark. Their legal systems are nevertheless separate and should not be treated as interchangeable.

This overview concerns the legal and court system of Guernsey. References to the wider Bailiwick are made where necessary.

This Overview was last updated in August 2026. It is routinely reviewed by Appleby and updated when changes to the law require it. This Overview is for general guidance only and does not constitute definitive advice. Please contact one of our lawyers if you require more detailed information.

Further publications are available from applebyglobal.com

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CONSTITUTIONAL POSITON

Guernsey's constitutional relationship with the United Kingdom is through the Crown. The connection has its origins in the Channel Islands' former place within the Duchy of Normandy. When continental Normandy was lost by King John in 1204, the Islands remained in the possession of, and allegiance to, the English Crown. Their laws, courts and privileges were subsequently confirmed by Royal Charters.

Guernsey has substantial autonomy in its domestic affairs. Its legislature is the States of Deliberation. The United Kingdom Government is responsible for defence and international relations, while the Crown has ultimate responsibility for the good government of the Bailiwick. Guernsey is not represented in the United Kingdom Parliament.

An Act of the United Kingdom Parliament does not apply to Guernsey merely because it applies in the United Kingdom. It must extend to Guernsey expressly, by necessary implication or through an Order in Council made under an enabling provision. The established constitutional practice is that the United Kingdom does not legislate for Guernsey on domestic matters without its consent.

Primary legislation made locally normally takes the form of a Law. A *Projet de Loi* is approved by the relevant Island legislature and ordinarily requires Royal Assent. Since 29 February 2024, certain *Projets* dealing wholly with the internal affairs of Guernsey, Alderney or Sark may, on the recommendation of the Lord Chancellor, receive Royal Assent from the Lieutenant-Governor on behalf of His Majesty in Council. The Lieutenant-Governor must reserve a *Projet* when directed to do so and must consult the Lord Chancellor on specified constitutional and external matters. The procedure supplements, rather than replaces the pre-existing Privy Council process.

The United Kingdom may entrust Guernsey to negotiate and conclude international agreements in appropriate areas. An international agreement extended to Guernsey does not, without more, alter domestic law. Local legislation may be required to give it effect.

SOURCES OF GUERNSEY LAW

The law of Guernsey has been influenced by several legal traditions.

The Privy Council has identified two principal sources of domestic law in the Channel Islands: legislation and customary law. The expression customary law is sometimes used to describe the whole body of non-statutory Guernsey law. It includes both the Island's historic customary law and the evolving body of local case law and practice.

LEGISLATION

Guernsey law may be contained in or affected by:

- Laws enacted for Guernsey or for the Bailiwick;
- Ordinances, regulations, rules and other subordinate legislation;
- Royal Charters and prerogative or statutory Orders in Council; and
- Acts of the United Kingdom Parliament and United Kingdom statutory instruments which apply or have been extended to Guernsey.

Alderney and Sark also enact legislation for their own jurisdictions. It is therefore necessary to check both the territorial extent of an enactment and its commencement provisions before relying on it.

CUSTOMARY LAW AND JUDICIAL AUTHORITY

Guernsey customary law has its origins in the customary law of medieval Normandy and in local custom. Some of that law was recorded in the *coutumiers* and in *L'Approbation des Lois* (1583). It has continued to develop since then through decisions of the Guernsey courts.

A decision of the Judicial Committee of the Privy Council on a Guernsey appeal binds all Guernsey courts. Decisions of the Guernsey Court of Appeal bind the Royal Court and other subordinate courts. The Court of Appeal will ordinarily follow its own decisions, but may depart from them for good and clear reason. Royal Court judgments bind its subordinate courts but are not formally binding on another judge of the Royal Court.

The relevance of external authorities depends on the subject matter and origin of the Guernsey rule in question. Norman customary law and later French sources remain particularly relevant in areas such as real property and succession. French civil law has influenced the law of contract. English law has had a strong influence on tort, trusts and much modern company and commercial law. Jersey and other Commonwealth authorities may also assist.

English law does not apply automatically. An English decision may be highly persuasive, particularly where Guernsey legislation was modelled on an English enactment or where local law has developed consistently with English common law. The Guernsey court must nevertheless identify and apply Guernsey law. Differences in statutory wording, local custom or principle may require a different result to English authorities.

INTERNATIONAL AND CONVENTION OBLIGATIONS

Guernsey is not part of the European Union. European Union law and other external standards apply domestically only where they have been implemented or otherwise made applicable through the relevant constitutional and legislative process.

The European Convention on Human Rights has domestic effect through the Human Rights (Bailiwick of Guernsey) Law, 2000. Guernsey courts must take relevant Strasbourg jurisprudence into account when determining a question arising in connection with a Convention right. The Law applies throughout the Bailiwick.

THE COURT SYSTEM

The principal courts in Guernsey are the Magistrate's Court and the Royal Court. The Guernsey Court of Appeal and the Judicial Committee of the Privy Council sit above them in the appellate structure. Alderney and Sark have their own first instance courts.

THE MAGISTRATE'S COURT

The Magistrate's Court is constituted by a Judge of the Magistrate's Court sitting alone. A Deputy Judge may also sit.

The Court exercises summary criminal jurisdiction, subject to statutory exclusions and the rights of the prosecution and the accused to have certain cases tried in the Royal Court. The most serious offences are tried in the Royal Court sitting as Full Court, in which case the Magistrate's Court will conduct committal proceedings.

In civil matters, the Magistrate's Court has jurisdiction to hear claims for debt or damages in contract or tort where the amount claimed does not exceed £10,000. It may grant the remedies available to the Ordinary Court within the limits of its jurisdiction. It also conducts inquests and exercises other powers conferred by legislation.

The Magistrate's Court and the Ordinary Court may transfer a civil action between them where the statutory conditions are met. Civil and criminal appeals from the Magistrate's Court are considered below.

THE COURTS OF ALDERNEY AND SARK

The Court of Alderney is a separate court constituted by its Chairman and, when sitting as a full court, at least two Jurats. The Court of the Seneschal in Sark is Sark's court of first instance and is constituted by the Seneschal sitting alone. Each court applies the law of its own jurisdiction and exercises the civil and criminal jurisdiction conferred on it by customary law and by local and Bailiwick legislation.

Appeals lie to the Royal Court under the legislation governing the relevant court. Separate provisions also govern the transfer or handling in Guernsey of criminal matters which are outside the competence of the Alderney or Sark court.

THE ROYAL COURT

The Royal Court is Guernsey's principal superior court. It is one court which sits in different formations according to the jurisdiction being exercised. The presiding judge may be the Bailiff, Deputy Bailiff, a Judge of the Royal Court or another judicial office-holder authorised to perform the relevant function.

COURT OF CHIEF PLEAS

The Court of Chief Pleas sits once per year but has no judicial function. Its modern role is ceremonial and institutional, marking the beginning of the legal year.

FULL COURT

The Full Court is constituted by the Bailiff and at least seven Jurats. It tries serious criminal cases and exercises a limited range of statutory functions. It also registers Orders in Council and certain other instruments on the public records of the Island and admits Advocates and other public office-holders.

ORDINARY COURT

The Ordinary Court exercises the Royal Court's general civil jurisdiction. Its work includes commercial, trust, company, insolvency, property and public law proceedings, together with statutory appeals and appeals from lower courts.

Where Jurats sit, the Ordinary Court is constituted by a judge and at least two Jurats, although usually there will be three. Questions of law and procedure, interlocutory applications and case management are generally dealt with by a judge sitting alone. A civil trial involving questions of fact or mixed fact and law may also be heard by a judge sitting alone where the parties elect that course or the judge directs it, subject to statutory safeguards.

The Ordinary Court also sits in specialised formations. The Contracts Court attests conveyances and other transactions concerning Guernsey real property and consents to registered charges. The Court sitting *en Plaids d'Héritage* deals with the customary law enforcement procedure known as *saisie*.

MATRIMONIAL CAUSES DIVISION

The Matrimonial Causes Division exercises the Royal Court's jurisdiction under the Matrimonial Causes (Bailiwick of Guernsey) Law, 2022 and the Matrimonial Causes Rules, 2024. The Division may sit with at least two Jurats or with a judge sitting alone, who is then the single judge of fact.

THE JUDGE AND JURATS

Jurats are lay members of the Royal Court, elected by the States of Election. There are 16 Jurats, supplemented by a panel of Juré-Justiciers Suppléants, or retired Jurats who may still be called upon to perform the functions of a Jurat. Jurats are members of the Court. They are not a jury empanelled for a single case.

The judge is the sole judge of law and procedure and determines costs. Where Jurats sit in a civil case, they are the judges of fact and must follow the judge's directions on law and procedure. The judge may retire with them and may assist with the preparation of the judgment, but the written judgment must identify the judge's rulings and the Jurats' findings and reasons.

In a criminal trial, the Jurats determine the verdict. If the accused is convicted and the sentence is not fixed by law, the judge and Jurats confer on sentence and the judge pronounces the sentence of the Court.

THE GUERNSEY COURT OF APPEAL

The Guernsey Court of Appeal has Civil and Criminal Divisions. The Bailiff and Deputy Bailiff are ex officio judges. The other judges are appointed by the Crown from persons with the prescribed judicial or professional qualifications. They include senior judges from a number of other British jurisdictions and eminent English and Scottish KCs.

The Court is constituted by an odd number of judges, not fewer than three. A judge may not sit on an appeal from a court of which that judge was a member. Decisions are made by a majority.

The Court hears civil appeals from the Ordinary Court (including matters which originated in Alderney or Sark) and criminal appeals following trial in the Full Court.

THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

The Judicial Committee of the Privy Council is the final appellate tribunal for Guernsey and the other jurisdictions of the Bailiwick. It applies Guernsey law on a Guernsey appeal. It shares a membership with, but is institutionally separate from, the United Kingdom Supreme Court.

There is no general appeal as of right from the Guernsey Court of Appeal. In civil matters, section 16 of the Court of Appeal (Guernsey) Law, 1961 requires the leave of the Court of Appeal or special leave of His Majesty in Council.

Applications to the Judicial Committee are governed by the Judicial Committee (Appellate Jurisdiction) Rules 2024 and the accompanying Practice Directions. Permission is generally granted in a civil case only where the proposed appeal raises an arguable point of law of general public importance which ought to be considered by the Judicial Committee at that time. In a criminal case, permission is granted only where there is a risk that a serious miscarriage of justice may have occurred.

APPEALS

CIVIL APPEALS

A civil appeal from the Magistrate's Court lies to the Ordinary Court where the amount of debt or damages claimed exceeds £200 or on a point of law, subject to the applicable rules and any specific statutory provision.

Appeals from the Court of Alderney and the Court of the Seneschal lie to the Ordinary Court. The scope of the appeal, and any further appeal, depends on the applicable statute. It should not be assumed that the same rules apply to proceedings originating in each jurisdiction.

A civil appeal from the Ordinary Court generally lies to the Court of Appeal. Statutory restrictions apply, including restrictions concerning decisions made final by legislation, consent orders, costs orders and interlocutory judgments. A further appeal from the Court of Appeal requires leave as described above.

CRIMINAL APPEALS

A person convicted in the Magistrate's Court may appeal to the Royal Court sitting as a Full Court against conviction or sentence, subject to the limitations in the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988. The prosecution may appeal an acquittal only where the Magistrate's Court certifies that a question of law or mixed law and fact was in issue and should be decided by the Royal Court.

Where the Royal Court dismisses an appeal against conviction, or dismisses a prosecution appeal against acquittal, a further appeal lies to the Court of Appeal only with leave and on the grounds permitted by the 1988 Law.

Following trial in the Full Court, an appeal on a pure question of law may be made to the Court of Appeal without leave. An appeal on a question of fact, mixed law and fact or another sufficient ground requires leave of the Court of Appeal or a certificate from the trial judge. An appeal against sentence requires leave. Any further appeal to the Judicial Committee requires special leave.

PROCEDURE, REPRESENTATION AND OPEN JUSTICE

Civil procedure in the Royal Court is governed principally by the Royal Court Civil Rules, 2007 and Practice Directions. The Rules contain an overriding objective and give the Court active case-management powers. The form by which proceedings are commenced depends on the claim and the jurisdiction being invoked. Ordinary actions proceed by summons and a cause setting out the material facts relied upon, while other matters may be commenced by originating application or another prescribed process.

Individuals may appear in person. Subject to limited statutory exceptions, professional representation before the Royal Court and the Guernsey Court of Appeal is reserved to Advocates of the Royal Court. Lawyers qualified elsewhere do not have an independent right of audience in those courts, but may work with a Guernsey Advocate.

Court proceedings are generally heard in public and judgments are commonly published on a website. Hearings may be held in private and publication or access restricted where legislation or the interests of justice require it. Public access to documents on a court file is governed by the applicable rules, practice and orders of the Court, but the entire file is not automatically open to inspection.

For more specific advice on the legal and court system in Guernsey, we invite you to contact one of the following:



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ABOUT APPLEBY

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