

APPLEBY

GUIDE

RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS IN GUERNSEY



GUERNSEY

As a British Crown Dependency, Guernsey has a stable and reliable legal system. With a long history of political stability, a highly respected regulatory framework and its accessibility via an established infrastructure make it a desirable international offshore destination for businesses. Guernsey's agile and pro-business government, low tax regime and compliance with international standards of regulation and transparency provide a secure and competitive choice for dispute resolution.

INTRODUCTION

This Guide is a summary of the law and procedures relating to the Recognition and Enforcement of Foreign Judgments in Guernsey.

This Guide was last updated in August 2026. It is routinely reviewed by Appleby and updated when changes to the law require it. This Guide 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

CONTACTS

JON BARCLAY

Partner
Dispute Resolution
Guernsey

SIMON FLORANCE

Partner
Dispute Resolution
Guernsey

Contact details are at the end of this guide ([click here](#)).

BACKGROUND

Guernsey is a distinct jurisdiction from England and Wales, with its own courts, legal system and laws. It is not part of the European Union or the European Economic Area. The Brussels and Lugano regimes do not extend to Guernsey, and the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters 2019 does not currently apply in the jurisdiction.

A foreign judgment has no direct operation in Guernsey and cannot be enforced simply by execution. A judgment creditor must first use an appropriate Guernsey process to have the judgment recognised or registered. Recognition and enforcement are related but distinct: recognition gives the foreign judgment legal effect in Guernsey, while enforcement involves the use of local remedies against assets or persons within the jurisdiction.

A foreign judgment may be enforced in Guernsey by one of two routes:

- registration under the Judgments (Reciprocal Enforcement) (Guernsey) Law, 1957, as amended (**Reciprocal Enforcement Law**); or
- an action under Guernsey customary law, which in this area generally follows English common-law principles.

The correct route depends principally on the country and court in which the judgment was given. Where the Reciprocal Enforcement Law applies, its registration procedure must be used.

THE RECIPROCAL ENFORCEMENT LAW

REGISTRATION OF FOREIGN JUDGMENTS

The Reciprocal Enforcement Law provides for the registration in Guernsey of qualifying judgments from specified superior courts in countries that afford reciprocal treatment to judgments of the Royal Court.

The reciprocating jurisdictions currently named by Ordinance are England and Wales, the Isle of Man, Israel, Jersey, the Netherlands, Curacao and St Maarten (the former Netherlands Antilles), Northern Ireland, Italy, Scotland and Surinam. The Ordinance specifies the relevant superior courts in each jurisdiction. It is therefore necessary to check both the jurisdiction and the court which gave the judgment.

A judgment will qualify for registration only if the statutory requirements are satisfied. In particular:

- it must be a judgment of a specified superior court;
- it must be final and conclusive between the parties, although an appeal may still be pending or possible in the original jurisdiction;
- it must require the payment of a sum of money, other than taxes or similar charges, a fine or other penalty;
- it must remain enforceable by execution in the original jurisdiction; and
- it must not have been wholly satisfied.

The application must be made within six years of the date of the judgment or, where there have been appeal proceedings, the date of the last judgment in those proceedings. A judgment transferred from the English County Court to the High Court for enforcement has been held to be registrable in Guernsey, notwithstanding that a

County Court is not itself a specified superior court. The precise status of the judgment and the court documentation should be checked in each case.

THE REGISTRATION PROCESS

An application for registration is usually made to the Royal Court without notice. It must be supported by affidavit evidence and an authenticated or certified copy of the foreign judgment. A certified translation will be required if the judgment is not in English.

The evidence should address the applicant's entitlement to enforce the judgment, the amount remaining unpaid, any interest due under the law of the original jurisdiction, the judgment's continuing enforceability there, and any facts relevant to the possible grounds for setting registration aside. Where the judgment is expressed in another currency, the application must also state its sterling equivalent calculated at the exchange rate prevailing on the date of the judgment.

If registration is ordered, notice of registration must be served on the judgment debtor. The order will state the period within which the debtor may apply to set registration aside. The rules provide a basic period of 14 days from service, but additional time applies in certain cases where the debtor is outside Guernsey or service is affected by substitution. The Royal Court may also extend the period.

Registration does not give an immediate right to execution. Execution cannot issue while the period for challenging registration remains open or while a set-aside application is unresolved. Once that stage has passed, the judgment creditor may apply for leave to enforce. For enforcement purposes, the registered judgment is then treated as if it had been given by the Royal Court on the date of registration. Interest and the reasonable costs of registration may also be recoverable in accordance with the statutory scheme.

SETTING REGISTRATION ASIDE

A judgment debtor may apply to set registration aside. The Royal Court must do so if satisfied that:

- the judgment is not one to which the Reciprocal Enforcement Law applies, or it was registered contrary to the Law;
- the courts of the original jurisdiction did not have jurisdiction in the circumstances of the case;
- the judgment debtor, as defendant, did not receive notice of the original proceedings in sufficient time to defend them and did not appear;
- the judgment was obtained by fraud;
- enforcement would be contrary to public policy in Guernsey; or
- the rights under the judgment are not vested in the person who applied for registration.

The Royal Court may also set registration aside where the dispute had already been determined by an earlier final and conclusive judgment of a court having jurisdiction.

Where an appeal is pending, or the judgment debtor is entitled and intends to appeal, the Royal Court may set registration aside or adjourn the set-aside application on appropriate terms. A further application for registration may be made once the appeal has been resolved or the judgment becomes enforceable in the original jurisdiction.

JURISDICTION OF THE ORIGINAL COURT

ACTIONS IN PERSONAM

In an action *in personam*, the original court will generally be treated as having jurisdiction for the purposes of the Reciprocal Enforcement Law where the judgment debtor:

- voluntarily appeared in the proceedings, other than solely to protect property or contest jurisdiction;
- was the claimant or brought a counterclaim in the original proceedings;
- had agreed before the proceedings began to submit the relevant dispute to that court or the courts of that country;
- was resident in that country when the proceedings began or, if a company, had its principal place of business there; or
- had an office or place of business there and the proceedings concerned a transaction effected through that office or place.

ACTIONS IN REM

For judgments concerning immovable property, or proceedings *in rem* concerning movable property, jurisdiction will generally be recognised where the property was situated in the country of the original court when the proceedings took place. In other cases, the question is whether the jurisdiction of the original court is recognised by Guernsey law.

The statutory tests are subject to exceptions. These include proceedings concerning immoveable property outside the original jurisdiction, proceedings brought contrary to an agreement that the dispute should be resolved elsewhere, and cases in which the judgment debtor was entitled to state immunity and did not submit to the jurisdiction.

CUSTOMARY LAW

Where the Reciprocal Enforcement Law does not apply, the judgment creditor will ordinarily need to commence fresh proceedings in the Royal Court on the obligation created by the foreign judgment. This route applies, for example, to judgments from countries that are not reciprocating jurisdictions and judgments of courts that are not specified superior courts.

The Guernsey proceedings are not a retrial of the underlying dispute. A final and conclusive foreign judgment for a fixed or definite sum is treated as creating an obligation to pay. The judgment itself forms the basis of the Guernsey claim, and default or summary judgment may be available where there is no properly arguable defence.

Recognition or enforcement may be resisted where:

- the original court did not have jurisdiction according to Guernsey's conflict-of-laws rules;
- the judgment was obtained by fraud;
- the original proceedings were contrary to natural justice; or
- recognition or enforcement would be contrary to public policy in Guernsey.

Guernsey will not enforce foreign judgments for taxes, fines or penalties under this route.

USE IN INSOLVENCY PROCEEDINGS

Recognition is not necessarily a prerequisite to every deployment of a foreign judgment. In *JJW Limited (in liquidation) v Aareal Bank AG* [2021] GCA 021, the Guernsey Court of Appeal confirmed that formal recognition was not required before a creditor could rely on a foreign judgment in support of a statutory demand and winding-up application. The UK Supreme Court's decision in *Drelle v Servis-Terminal LLC* [2026] UKSC 29 provides further persuasive support in relation to an unregistrable foreign money judgment.

Those decisions concern collective insolvency proceedings, not direct execution of the foreign judgment. They do not displace the mandatory registration procedure where the Reciprocal Enforcement Law applies.

ENFORCEMENT

Once a foreign judgment has been registered, or judgment has been obtained in Guernsey under the customary-law route, it may be enforced in the same way as a domestic judgment.

The appropriate method depends on the assets available. It may include the arrest and sale of personal property by HM Sheriff, *désastre* proceedings against personalty, or *saisie* proceedings against real property. Interim relief, including a freezing injunction, may also be available where there is a real risk that assets will be moved or dissipated before enforcement can take place.

The recognition process and the ultimate recovery strategy should therefore be considered together. Early identification of the debtor's Guernsey assets, their ownership and any competing claims is often essential.

For more specific advice on recognition and enforcement of foreign judgments in Guernsey, we invite you to contact one of the following:



[VIEW PROFILE](#)

GUERNSEY

JON BARCLAY

Partner

Dispute Resolution

Phone +44 (0)1481 755 607

Email jbarclay@applebyglobal.com



[VIEW PROFILE](#)

GUERNSEY

SIMON FLORANCE

Partner

Dispute Resolution

Phone +44 (0)1481 755 622

Email sflorance@applebyglobal.com

For the convenience of clients in other time zones, a list of contacts available in each of our jurisdictions may be found [here](#).

ABOUT APPLEBY

Appleby is one of the world's leading international law firms. Our global teams of legal specialists advise public and private companies, financial institutions and private individuals. We are a full service law firm providing comprehensive, expert advice and services across corporate, dispute resolution, property, regulatory and private client and trusts practice areas. We work with our clients to achieve practical solutions whether from a single location or across multiple jurisdictions. We have offices in ten highly regarded, well-regulated global locations, operating in nine and practising the laws of eight jurisdictions. Our office locations include the key international jurisdictions of Bermuda, the British Virgin Islands, the Cayman Islands, Guernsey, Isle of Man, Jersey, Mauritius, and the Seychelles, as well as the international financial centres of Hong Kong and Shanghai. Our global presence enables us to provide comprehensive, multi-jurisdictional legal advice at the times most beneficial to our clients. We are regularly recognised for our professionalism, integrity and excellent client service, and these are the values we pride ourselves on and are at the core of our business.

Hirzel Court
St Peter Port
Guernsey
GY1 3BN

T: + 44 (0) 1481 755 600

E: guernsey@applebyglobal.com

The term "Partner" is a title referring to a member, employee or consultant of equivalent standing and qualifications of Appleby (Guernsey) LLP which is an Appleby legal practice and a limited liability partnership. A list of the partners of any Appleby partnership, members of any Appleby limited liability partnership, or of the members, shareholders and directors of any Appleby limited company and of any other non-shareholders who are termed "Partners" of any legal practice is available for inspection upon request from your relationship partner. Appleby is an organisation of separate entities and legal practices comprising both corporate and partnership form, each established to provide legal services under the Appleby name from the numerous jurisdictions in which it is based.

Appleby is an organisation of separate entities and legal practices constituted in both corporate and partnership form, each established to provide legal, fiduciary and/or administration services under the Appleby name from the jurisdictions in which it is based. A list of the Partners, Group Partners, members, shareholders and directors of any Appleby legal practice is available at www.applebyglobal.com.

© 2026 Appleby Global Group Services Limited. All Rights Reserved.
This publication is for general guidance only and does not constitute definitive advice.