



The Magistrate's Court
(Guernsey) Law 2009
- An Overview

by Simon Geall

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On 1 September 2009, the Magistrate's Court (Guernsey) Law 2008 ("the Law") came into force. In very brief overview, the Law:

- Increases the civil jurisdiction of the Magistrate's Court from £2,500 to £10,000.
- Increases the sentencing powers of the Magistrate's Court to 2 years for a single offence, and an aggregate of 3 years for more than one offence.
- Creates the statutory office of Judge of the Magistrates Court.

From a civil litigation standpoint, the increase in the jurisdiction is overdue. Small claims may now be determined more swiftly and efficiently, improving access to justice for litigants.

There are enabling provisions in the Law enabling detailed rules of procedure to be made, including regarding costs, but for the time being the procedure in the "Petty Debts Court" remains much the same. The Law permits actions currently instituted before the Royal Court for less than £10,000 to be referred to the Magistrate's Court on such terms and conditions as the Royal Court thinks fit (including as to costs).

The Law also introduces the power to the Magistrate's Court to grant any remedy or relief that the Royal Court sitting as the Ordinary Court may grant in a civil action (including injunctions and ancillary orders), and orders relating to the enforcement of judgments, including an order that a judgment creditor can levy execution against the personalty or realty of the judgment debtor (the latter having the effect of a preliminary vesting order).

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