

Petty Debts Procedure – Information for the Defendant

This is guidance offered for assistance only and does not purport to cover every eventuality. It is not to be regarded as a definitive statement of Law. H.M. Sheriff and H.M. Sergeant or H.M. Greffier cannot offer any legal advice therefore should you have any queries of this nature it is suggested you make contact with an Advocate, or Citizens Advice Guernsey offer free and confidential advice.

Petty Debts Court

'Plaintiff' is the applicant who brings Civil Proceedings before the Court

'Defendant' is the Respondent or Debtor to an application before the Court

The Petty Debts Court allows certain types of claim to be decided by the Judge, usually without the need for an Advocate. A Petty Debt claim is one where the value of the claim is not more than £10,000. A claim cannot be divided into smaller segments if a greater sum is owed, in order to pursue the debt through the Magistrate's Court. For claims that exceed £10,000 the Plaintiff must issue proceedings in the Royal Court.

The Petty Debts Court sits on alternate Thursday afternoons, at 2:30pm, and is normally held in Court 2.

Service of a Summons

When a summons is served on you as a Defendant, it means that the Plaintiff has issued a Petty Debt Claim against you; at this point they will have paid the relevant summons fee which will be recoverable by them, from you, as part of the debt.

When serving a Summons on you, the Office of H.M. Sheriff and H.M. Sergeant achieves one of three levels of service: -

"A Service"	the summons is handed directly to the defendant
"B Service"	the summons is handed to a responsible adult who undertakes to pass the summons to the defendant
"C Service"	after attempts to achieve an "A" or "B" service have not succeeded, the summons is left in an envelope at the address concerned.

The paperwork you will have received will consist of: -

Summons

This is a blue piece of paper and details the costs being claimed, your name and address, the details of the Plaintiff and most importantly, when you should appear in Court.

Petty Debts Claim Form

This was submitted by the Plaintiff when they applied for a Petty Debt to be issued against you. It outlines the Petty Debt claim against you and may have with it an outstanding invoice.

Following Service of a Summons

When you have been served with a summons, you have the following options available to you:

- You can settle the claim directly with the Plaintiff in which case the Plaintiff must notify the Client Services team at the Royal Court, on (01481) 225277 in order that the matter can be withdrawn from Court (proof will be sought to confirm the Plaintiff's identity)
- You can attend Court and admit liability for the claim, in which case judgment with consent will be entered against you
- You can attend Court and advise that you wish to dispute the claim, in which case it will proceed to a contested hearing
- You may wish to enter a counter-claim; in this instance it would be preferable that the counter claim could be heard at the date of any arranged hearing
- You can ignore the summons, in which case the Plaintiff is likely to take steps to take the matter into Court. **The claim may be heard in your absence and judgment may be entered against you.**

What if you are unavailable to attend Court on the scheduled date?

If you are unable to attend Court on the scheduled date, you have the following options: -

- Instruct an Advocate to appear on your behalf.
- Mutually agree with the Plaintiff to adjourn it to another date, in which case you would need to write in to, or email H.M. Greffier to notify him of this (ensuring there is evidence that both you and the Plaintiff have made such an agreement). Your new Court date will be confirmed by reply.
- If a mutual agreement with the Plaintiff isn't possible then you need to write in to, or email H.M. Greffier setting out the reasons why you are unable to attend on that day. Your reasons must be exceptional and included in your correspondence should be supporting documents such as copies of travel documents or medical certificates, if applicable. If the Court agrees for the case to be adjourned the hearing is generally re-scheduled for two or three weeks later; you will be advised of your new Court date. **If the Court does not consider your reasons for non-attendance to be appropriate, judgment may be entered against you in your absence.**

The email address for Her Majesty's Greffier is hmgreffier@guernseyroyalcourt.gg

What happens in Court?

If you have not settled the claim prior to your scheduled Court hearing and good service i.e. "A" or "B" service, has been achieved on you, the Plaintiff will pay the relevant fee to take the case into Court.

If you wish to contest the case it is imperative that you, or an Advocate if instructed, attend the initial Court hearing to which you have been summonsed. Contested hearings are not normally heard at the initial Petty Debts Court hearing; the Judge will normally order a mutually convenient date for such a hearing. Please see the Royal Court website for further information in respect of contested hearings.

If the summons has achieved good service and you or an Advocate do not attend Court, the Plaintiff is likely to ask for 'Judgment with costs' whereby the likelihood is that the Judge will award the judgment in the Plaintiff's favour, and against you in your absence. Judgment in the Plaintiff's favour will include them being allowed to reclaim the summons and Court fees already paid by them, from you. Advocate fees cannot be recovered.

If good service has not been achieved (i.e. only "C" service), the Plaintiff will have been informed ahead of the Court hearing but they have the right to take the matter into Court and ask for it to be adjourned for better service.

Enforcement of a Judgment Debt

Please be advised that if good service (i.e. an "A" or "B" service) has been achieved in relation to the Summons served on you and Judgment is awarded against you in the Petty Debts Court, the Plaintiff has the right to request enforcement of that Judgment, by the Office of H.M. Sheriff and H.M. Sergeant as soon as the Court hearing has concluded.

Should enforcement be requested by the Plaintiff a further fee will be applied which will also be recoverable from you as the defendant.

Citizens Advice Guernsey is a local charity that has trained advisors who offer a free and confidential telephone or drop in service. In particular they have a Money Advice Service and an appointment can be made with a specialist Money Adviser for help with budgeting, negotiation or unmanageable debt.

