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A guide to freezing injunctions in Guernsey and Jersey

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Guernsey

Freezing injunctions are often used in Guernsey to preserve the assets of a defendant whilst proceedings are, or are going to be, pursued in the Guernsey courts. It is also common for the Royal Court of Guernsey to grant freezing injunctions ancillary to proceedings and/or injunctions in other jurisdictions.

The effect of the freezing injunction is to compel the affected party from dealing with their assets that are the subject of the order. If the order is breached the person subject to the order will be in contempt of court. Accordingly, the injunction operates *in personam* rather than *in rem* against the property.

Read the full Factsheet

Jersey

The inherent jurisdiction of the Royal Court of Jersey (the Court) underpins its ability to grant an injunction. This gives the court the flexibility to grant an injunction where it appears just and convenient to do so and on bespoke terms. Whilst not binding in Jersey, the court has and continues to find English judgments on the subject persuasive. In relation to freezing orders, the court's approach has generally mirrored that of the English courts.

The court also has a statutory jurisdiction under the Jersey insolvency legislation to grant injunctions to assist the courts of a prescribed list of countries (currently the United Kingdom, the Isle of Man, Guernsey, Finland and Australia).

Whilst this article is limited to a summary of freezing orders in a civil context, it is worth noting that the Court also has the ability to make a number of other orders which can give a creditor an advantage with seeking to recover what is due. By way of example, the granting of search and seizure (Anton Piller) orders and third party documentation production (Norwich Pharmacal) orders are well trodden paths in Jersey.

Read the full Factsheet

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