



THE DIFFERENCES BETWEEN BUYING IN GUERNSEY AND ENGLAND

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To an outsider, the procedure of buying a Guernsey property can seem rather complex.

Whilst in either jurisdiction the end result is the same, the approach and processes involved in getting to that stage have some marked differences.

Records

Guernsey's property laws are deeply entrenched in Norman customary law. This is in (sometimes stark) contrast to England's more formalised statutory regime.

Perhaps the greatest difference is Guernsey's lack of a land registry, nor state guarantee of title. The system of registration in Guernsey is wholly document based. Conveyances must be registered at the Island's deeds registry (known as the "Greffé"). The Conveyance itself must be prepared by an Advocate of the Royal Court of Guernsey.

Historic title research into Guernsey property involves searching through physical records at the Greffé. This process is made more challenging by the fact that Conveyances were hand-written until approximately 1950 and drafted in French until 1969.

In England, the majority of land (circa. 85%) is formally registered centrally as individual parcels on H.M. Land Registry. For property owners and legal practitioners, the benefit of this system of registration is that access to all relevant records is via a central and easily accessible online portal.

Searches and Investigations

In contrast to online searches of a digital land register, in Guernsey the boundaries, together with any relevant rights and servitudes, need to be fully investigated both in the Greffé and on site to identify any potential issues. Title research in Guernsey is a very practical process, with the need to don wellies and wander through gardens hoping to locate an elusive boundary mark.

Often a useful point of research is the Guernsey Cadastre, which is a registry for property taxation, and so holds certain information and documentation. The remainder of research will take place at the Greffé. Full research needs to be undertaken by each successive purchaser's advocate, and so the entire process has to be repeated each time a property is sold.

Most if not all searches for property in England are able to be undertaken online. Physical attendance at the property itself is something

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of a rarity.

Completion

In Guernsey, there is a special sitting of the Royal Court each Tuesday and Thursday morning which is known as "Contracts Court", where property purchases, together with other related matters, complete. The Conveyance is presented to the Court and the parties appear to consent to the terms of the sale. Neither party is required to sign the conveyance; instead consent is given verbally to the Court. The Conveyance is then registered onto the Island's records in the Greffe on or before 4pm on the completion day.

Completion of an English transaction involves a little less ceremony. The final closing of a deal is arranged directly between solicitors and, instead of a Conveyance being executed to effect completion, forms are completed to update the information held on the registry. The updates are not necessarily made to the registry on the same day as completion itself; a priority period exists for a certain period following completion

Conclusion

Each system has its own benefits and disadvantages and many moving to the Island enjoy the quaint and traditional ceremony of a Court attendance.

Collas Crill

Uniquely in the Channel Islands Collas Crill offers both a Guernsey Property and UK Real Estate team and are therefore able to assist clients on property matters in both the UK and Guernsey from the firm's Guernsey office.

Should you wish to discuss matters relating to UK or Guernsey property, speak to Jason Green or Paul Nettleship (Guernsey) or Michael Morris (UK).

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