

(Map source : Europa)



England



Wales



Population: 58 600 000 habitants
Surface area: 242 5000 Km²
Capital: London
Currency: Pound sterling
Official languages: English (and Welsh in Wales)
Form of government: Constitutional monarchy
Membership in the EU: 1973
Membership in the UIHJ: 1980

The High Court Enforcement Officers - The Enforcement Officers The County Court Bailiffs

Who are the professional officers charged with the enforcement of court judgments, the service of documents, or debt collecting?

England and Wales count three kinds of professional officers that are charged with the process of enforcement of judgments and writs of execution: the High Court enforcement officers, the enforcement officers, and the County Court bailiffs.

What is the status of these professional officers?

The High Court enforcement officers and the enforcement officers are independent and liberal professionals. The County Court bailiffs are civil servants that are attached to a County Court. The High Court enforcement officers are appointed by the Lord Chancellor, while admission to the profession of enforcement officer is open, and that of County Court bailiff is dependent on the courts' decision.

How are the judicial officers organised?

There are approximately 50 practising High Court enforcement officers, half of whom operate as private companies. They employ several hundreds of collaborators. There are about 600 County Court bailiffs and several hundreds of enforcement officers. The High Court Enforcement Officers Association represents the High Court enforcement officers.

Contact:

High Court Enforcement Association
3-4 Freeport Office Village, Century Drive -
Braintree - Essex CM77 BYG- UK
Tel.: +44 845 890 9200
Fax: +44 1 492 53 42 89
Internet Site: www.hceoa.org.uk

The Enforcement Services Association represents the enforcement officers. **Contact:**

Enforcement Services Association
Executive Director: Vernon Philips
Park House - 10 Park Street
Bristol BS1 5HX - UK
Tel.: +44 (0)117 907 4771
Internet site: www.ensas.org.uk
E-mail: president@ensas.org.uk

How can one join the profession?

Admission to the profession of enforcement officer is not highly regulated. To become a High Court enforcement officer, one must complete a legal course, pass through a two-year traineeship with a High Court enforcement officer and take out membership in the High Court Enforcement Association. The High Court enforcement officer is appointed by the Lord Chancellor. The profession is envisaging the establishment of a permanent training programme for High Court enforcement officers and their staff.



The enforcement of court judgments

Who is charged with the enforcement of court judgments in England and Wales?

The three types of professional officers exercise a monopoly on the enforcement of judgments and writs and instruments enforceable at law against the representative goods owned by the debtor. The High Court enforcement officers exercise a monopoly on the enforcement of judgments in excess of 600 £. The County Court bailiffs exercise a monopoly on the enforcement of judgments up to 600 £. The three types of professional officers are in competition with one another in all other areas of compulsory execution. The High Court enforcement officers are also empowered to proceed to expulsions.

Can one contact a judicial officer directly to have a court order enforced?

The territorial competence of the High Court enforcement officers and of the enforcement officers is of national scope, whereas the County Court bailiff remains attached to the County Court on behalf of which he carries out his duties.

Is the judicial officer empowered to enforce execution against the entire debtor estate?

Compulsory execution pertains only to the debtor's seized personal possessions, to be followed possibly by a public auction of the attached goods. Other venues of enforcement may be pursued directly by the Solicitors: seizure of bank accounts, wage garnishee, real property attachment.

Is the judicial officer responsible for control over the enforcement act?

Yes. The judicial officer must act in the creditor's best interests. By agreement with the creditor, he may grant the debtor a postponement of payment and put in place a repayment schedule. In the event of problems, he may appeal for help from law enforcement authorities but, most often, he acts on his own.

Is it possible for the judicial officer to obtain personal information about the debtor and his estate?

The judicial officer may obtain information from files on vehicle license registrations, on personal property, on insolvent individuals, and also information from companies specialising in the collection of personal data.

Who pays for the judicial officer's intervention costs?

In the case of the County Court bailiffs, it is the court that assumes the costs of the enforcement proceedings. With respect to the High Court enforcement officers and the enforcement officers, a rate scale exists; nonetheless, there are no constraints on freely establishing the conditions for collaboration with the creditor, in order to remain in a competitive position.

The service of documents

Are judicial officers entitled to proceed to the service of documents?

Yes, but they do not have a monopoly on this procedure.

What are the physical steps involved in serving a writ?

The copy of the document is physically presented to the addressee by the judicial officer. It is also possible to leave this copy with a person present on the premises (parent, friend, employee...). If there is nobody to accept the writ, it is then left

under closed cover at the address of the addressee or with the Court Clerk.

What is the force in law of a writ?

It is a document of administrative import.

Does the judicial officer's intervention fall within the framework of the Council regulation (EC) N° 1393/2007 of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters?

Not at the present time. Nonetheless, such kind of intervention is anticipated.



Debt collection

Is the judicial officer empowered to proceed to the collection of debts?

Yes, indeed, but uniquely within the context of a judicial order for collection. Moreover, this intervention is limited to 6 to 12 months. Furthermore, the judicial officer does not intervene in the amicable collection of a debt.

Is it possible to contact a judicial officer directly for the purpose of collecting a debt?

Yes, indeed, but uniquely within the context of the enforcement of a judgment. And one has to select the judicial officer who has territorial competence (only 1 officer per territorial entity).

Other areas of intervention

May the judicial officer arrange for sales by auction?

Yes, but uniquely within the context of enforcement of a judgment. He does not arrange for voluntary auction sales.

May the judicial officer engage in formulating legal findings and observations, such as statements of facts?

No.

May the judicial officer represent the parties before the courts?

No.

Is the judicial officer entitled to offer legal advice?

No.

Is the judicial officer entitled to engage in other activities?

No.

