



Update : February 2024

The Judicial Officer in the World

BENIN

Name (singular and plural): **Huissier de justice / Huissiers de justice**

Presentation

Generalities

The profession is ruled by Law No. 2001-38 of 8 September 2005 establishing the status of judicial officers. It currently has 47 serving judicial officers out of the 66 offices created by presidential decrees. 47 judicial officers are active in 47 offices. They are assisted by around 240 sworn clerks (collaborators) including around a hundred senior clerks (interns). They are all liberal professionals.

Training

Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: Master 2 or equivalent. Prior theoretical and practical training exists for future judicial officers. This training, lasting three years without interruption, is compulsory. The Training School for Judicial Professions (EFPJ) is responsible for the theoretical training of clerks and practical training takes place in the judicial officers' offices. Mandatory continuing training exists for judicial officers (20 hours of continuing training per year or 40 hours every two years).

Ongoing training for the staff of judicial officers

There is a continuing training system for collaborators of judicial officers organised by the National Chamber of Judicial Officers of Benin.

The exercise of the profession

With some exceptions, a professional examination is necessary to access the position of judicial officer. Judicial officers are appointed by presidential decree. The number of judicial officers is not limited. All offices are made up of judicial officers working in an individual capacity. However, the aforementioned law offers the possibility for these judicial officers to form a professional civil society. Judicial officers under the same jurisdiction may establish among themselves either groups or associations (two or more judicial officers may form a professional civil society).

The profession is represented nationally by the **National Chamber of Judicial Officers of Benin** whose headquarters is:

Chambre nationale des huissiers de justice du Bénin

Lot: 1149 Gbèdjromédé - Carrefour Vodafone - 01 BP: 4809 RP - Cotonou - Benin

Tel: +229 61 57 57 67 - email: cnhj.benin@gmail.com



Update : February 2024

Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Mandatory exercise of the ministry of the judicial officer and possible cases of exemption
- Prohibition of service in certain cases (kinship, alliance, conflict of interest, etc.)
- Cases and conditions in which the judicial officer must personally exercise his ministry
- Obligations relating to the exercise of the professional activities of the judicial officer
- Conditions of conservation of documents drawn up by the judicial officer
- Keeping accounts
- Obligation to advise litigants within the framework of the activities of the judicial officer
- Obligation to respect a tariff
- Obligation for the judicial officer to submit to monitoring of his activities
- Obligation to respect ethical and/or professional rules
- Professional secret

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is submitted to a control of his activities.

Activities exerted by the judicial officers

Enforcement of court decisions

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of cattle.
- Attachment of salaries
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of aeroplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Counterfeiting attachments.
- Attachment on immovable.
- Setting up of a provisional judicial security on an immovable of the debtor (mortgage).
- Evictions.
- Handing of children according to a court decision.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Setting up of a provisional judicial security on an immovable of the debtor
- Setting up of a provisional judicial security on a business of the debtor.
- Pledge on an account.



Update : February 2024

- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor.

When in charge of enforcement, the judicial officer has certain access to information on the assets of the debtor.

Service of judicial or extrajudicial documents

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters.

Forced public auction sales

The judicial officer cannot carry out the forced public auction sale of goods.

Voluntary public auction sales

The judicial officer cannot carry out the voluntary public auction sale of goods.

Other activities (X = yes)	
Debt collection	X
Statements of facts	X
Sequestration of goods	X
Legal advice	X
Bankruptcy proceedings	
Missions entrusted by a judge	X
Mediation	X
Representation of parties in the court	For certain cases
Drawing up of private deeds and documents	X
Court service	X
Real estate management	X