



Updated on: 12 December 2018

The Judicial Officer in the World

BELGIUM

Name (singular and plural): **Huissier de justice - Gerechtsdeurwaarder - Gerichtsvollzieher**

Presentation

Generalities

Approx. 556 judicial officer are appointed within approx. 325 offices. They work together with approx. 350 candidate judicial officers, 150 trainees and approx. 3.000 staff.

All are liberal or self-employed professionals.

Every judicial officer or office of judicial officer is competent on a part only of the national territory (in competition with one or several other judicial officers).

Training

Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: Five years of law studies or equivalent (Master 2 or equivalent).

There is an initial training for the future judicial officers.

This training is normally compulsory. Duration: up to two years.

An ongoing training is available for the judicial officers.

Ongoing training for the staff of judicial officers

Ongoing training courses are not available for the staff of judicial officers.

The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer.

The judicial officers are appointed by the head of the State or of the Government.

There is a limited number of judicial officers.

A judicial officer can exert his activities within a structure including another or several other judicial officers.

Between 20 and 30% of judicial officers exert individually, the others exerting within a non-individual structure.

The profession is represented at national level by the Chambre nationale des huissiers de justice de Belgique – Nationale Kamer van Gerechtsdeurwaarders van België.



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Obligations of the judicial officer and ethical rules

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

- Compulsory service of the judicial officer and possible cases of exemption of service.
- Prohibition of service in certain cases (relationship, union, conflict of interest...).
- Cases and conditions in which the judicial officer must exert his activities personally.
- Obligations relating to the professional activities of the judicial officer.
- Conditions of keeping of archives of the judicial officer.
- Book keeping.
- Obligation to have an account specifically intended for depositing funds collected on behalf of clients of the judicial officer.
- Obligation to hand over the monies of third parties in a specific time.
- Obligation to respect the tariff.
- Obligation for the judicial officer to be submitted to a control of his activities.
- Obligation to comply with ethical and/or deontological rules.
- Professional secrecy.
- Obligation to take out professional and civil liability insurance.

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 immovable.
- Attachment of earnings.
- 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.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- 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.
- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.



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- Internet forced auction sale of tangible movable goods attached by the judicial officer.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Forced auction sale of businesses attached by the judicial officer.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.

When in charge of enforcement, the judicial officer has access to some 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.

When serving documents, the judicial officer has access to information to locate and/or search the addressee.

Forced public auction sales

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of businesses attached by the judicial officer.

Voluntary Public Action Sale

The judicial officer can carry out the voluntary public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of businesses attached by the judicial officer.

Debt collection

The judicial officer can exert the activity of debt collecting.

Statements of facts

The judicial officer can carry out statements of facts when required by a natural or a legal person and/or on request of a Judge.

Sequestration of goods

The judicial officer can exert the activity of sequestration of goods.

Legal advice

The judicial officer can provide legal advice.



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Bankruptcy Proceedings

The judicial officer cannot exert a professional activity in the field of bankruptcy procedures.

Missions entrusted to the judicial officer by a judge

A judge can appoint a judicial officer to carry out a specific mission.

Mediation

The judicial officer can exert the activity of mediation.

Representation of parties in the court

The judicial officer cannot represent parties in the court.

Drawing up of private deeds and documents

The judicial officer cannot draw up private deeds and documents for natural and legal persons.

Court service

The judicial officer is not in charge of the court service.

Real estate management

The judicial officer cannot exert the activity of real estate agent.