



Updated on: 10 November 2015

## The Judicial Officer in the World

### ENGLAND AND WALES

Name (singular and plural): **High court Enforcement Officer – High Court Enforcement Officers**

#### Presentation

##### Generalities

Approx. 63 judicial officer are appointed within approx. 63 offices. They work together with approx. 12 trainees or assistants and approx. a few thousands staff.

All are liberal or self-employed professionals

Every judicial officer or office of judicial officer is competent on the entire national territory

##### Training

###### Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: Three years of law studies or equivalent.

There is an initial training for the future judicial officers.

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

An ongoing training is available for the judicial officers.

This training is compulsory.

An ongoing training is available for the judicial officers. This training is compulsory.

###### Ongoing training for the staff of judicial officers

Ongoing training courses are 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 ministry of justice.

The number of judicial officers is not limited.

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

Between 10 and 20% of judicial officers exert individually, the others exerting within a non-individual structure.

The profession is represented at national level by the High Court Enforcement Officers' Association.



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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:

- 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.
- Bookkeeping.
- 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 of counsel towards citizens in the framework of the activities of the judicial officer.
- 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.
- 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 ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Arrest of persons according to a court decision.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Internet forced auction sale of tangible movable goods attached by the judicial officer.
- Forced public auction sale of tangible movable goods.

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



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### **Service of judicial or extrajudicial documents**

The judicial officer cannot serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters.

### **Forced public auction sales**

The judicial officer can carry out the forced public auction sale of the following goods:  
Internet auction sale of tangible movable goods attached by the judicial officer.

### **Voluntary Public Action Sale**

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

### **Debt collection**

The judicial officer cannot exert the activity of debt collecting.

### **Statements of facts**

The judicial officer cannot 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 cannot give legal advice.

### **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 cannot exert the activity of mediation.

### **Representation of parties in the court**

The judicial officer cannot represent parties in the court.



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### **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.