



Updated on: 10 November 2015

## The Judicial Officer in the World

### MAURITIUS

Name (singular and plural): **Court Usher / Court Ushers**

#### Presentation

##### Generalities

Approx. 70 judicial officer are appointed within approx. 70 offices.  
All are civil servants (State employed).

##### Training

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

There is no initial training for the future judicial officers.  
This training is normally not compulsory.  
An ongoing training is not 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 one or several representatives of the profession.  
The number of judicial officers is not limited.  
A judicial officer cannot exert his activities within a structure including another or several other judicial officers.  
The profession is represented at national level by the Judicial Department Court Ushers Union.

##### 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, ...).
- Professional secrecy.

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.



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## Activities

### 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.
- 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.
- Handing of children according to a court decision.
- Bringing physically a party to a court hearing.
- 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 a 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.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Forced public auction sale of immovable.
- Forced auction sale of businesses attached by the judicial officer.

When in charge of enforcement, the judicial officer has no 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 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.



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### **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 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 cannot 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 cannot 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.

### **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 in charge of the court service.

### **Real estate management**

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