



Updated in April 2020

## The Judicial Officer in the World

### BELGIUM

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

#### Presentation

##### Generalities

Approx. 563 judicial officers are appointed within approx. 260 offices. They work together with approx. 348 candidate judicial officers, 264 trainees and approx. 3.000 staff. Each judicial officer or office of judicial officer is competent in only part (a district) of the national territory (in competition with one or more other judicial officers). But numerous studies have established a professional network with other offices to facilitate inter-district collaboration.

##### 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: two full years without interruption.

In the event of success and classification in useful order (due to the existence of a *numerus clausus*), this success confers the title of candidate judicial officer which gives the right to substitute, for a limited period of time, a holder in full exercise but who is temporarily prevented from exercising his ministry (due to training, illness, holidays, internal organisation of the office). During this period, the candidate judicial officer exercises all the rights and obligations of the substituted judicial officer.

There is a compulsory continuing education for judicial officers (and candidate 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

A professional exam is necessary to exert the profession of judicial officer. This examination is made up of a double comparative selection procedure and is conducted by the Appointment committees:

- a first procedure is written and oral and aims to assess the internship period with classification in proper order and appointment as a candidate judicial officer on the basis of a first *numerus clausus*.
- and the second procedure is mainly focused on an application file and a hearing and is organised at the time when a permanent position becomes vacant (death, resignation, dismissal) in application of a second *numerus clausus*.



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The judicial officers are appointed by the King, on a proposal from the Minister of Justice. 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**.

### **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.
- 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 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.
- Obligation to comply with money laundering and terrorist financing rules.

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 of the debtor, in the hands or a third party's hands.
- 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, ships and vessels, airplanes, crops.
- Attachment of goods locked in a safe.
- Evictions.
- Handing of children according to a court decision.



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- Provisional measures on tangible and 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.
- Forced sale of tangible and intangible personal property seized by a judicial officer.
- Dematerialized (online) forced sale of tangible and intangible personal property seized by a judicial officer.
- 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: owner of a vehicle, recipient of salary / replacement income / allowance, owner of building / boat, holder of bank account (s), etc.

### 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, on the national territory, natural or legal person. In the context of European cross-border service, the Belgian judicial officer endorses the quality of transmitting and receiving agency.

<b>Other activities (X = yes)</b>	
Amicable Debt collection	<b>X</b>
Statements of facts	<b>X</b> <b>(The findings have an authentic character)</b>
Sequestration of goods	<b>X</b>
Legal advice	<b>X</b>
Bankruptcy proceedings	<b>(Assistance to trustees with regard to inventory and completion of bankruptcy)</b>
Missions entrusted by a judge	<b>X</b>
Mediation	<b>X</b>
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	
Public games and quizzes	<b>Drafting the rules and controlling the process</b>
Solvency inquiries	<b>X</b>