



Updated in April 2020

The Judicial Officer in the World

BENIN

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

Presentation

Generalities

49 judicial officers are appointed within 49 offices. They work together with approx. 183 staff. All are liberal or self-employed professionals.

Training

Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: four years of law studies or equivalent (Master 1 or equivalent). There is an initial theoretical and practical training for the future judicial officers. This training is normally compulsory. Duration: up to three years with no interruption. 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 presidential decree. The number of judicial officers is not limited. All the judicial officers exert individually. However, two or more judicial officers can work within a Civil Professional Company.

The profession is represented at national level by the National Chamber of the Judicial Officers of Benin.

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 of counsel towards citizens in the framework of the activities of the judicial officer



Updated in April 2020

- 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

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer.
There are disciplinary rules 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.
- 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 aeroplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Counterfeiting Attachment.
- Attachment of immovable.
- Interlocutory measures on immovable (prescription for mortgage registration)
- 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 of accounts.
- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor.

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



Updated in April 2020

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

Forced public auction sales

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

Voluntary public auction sales

The judicial 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	X
Missions entrusted by a judge	X
Mediation	X
Representation of parties in the court	X (In some cases)
Drawing up of private deeds and documents	X
Court service	X
Real estate management	X