



Updated in April 2020

## The Judicial Officer in the World

### CZECH REPUBLIC

Name (singular and plural): **Soudní exekutor / Soudní exekutoři**

#### Presentation

##### Generalities

Approx. 156 judicial officers are appointed by the Ministry of justice into individual offices. They employ approx. 120 trainees, 100 candidates and 3200 other staff. All are liberal or self-employed professionals.

##### Training

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

To become a trainee of judicial officer a Master's degree in law is required.

To become a candidate of judicial officer must meet the following criteria:

- Three years of practice as a Trainee of judicial officer.
- Attendance to ongoing legal training during the traineeship.
- Professional legal exam.

Candidates of judicial officer can work as employees of judicial officers or can be appointed as judicial officers by the Ministry of Justice.

An ongoing non-compulsory training is provided for the judicial officers by National chamber.

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

Ongoing training courses are provided for the staff of judicial officers by the National chamber.

##### The exercise of the profession

A professional legal exam is necessary to practice the profession of judicial officer. A limited number of judicial officers is appointed by the Ministry of justice. A judicial officer cannot practice the profession within a structure with another or several other judicial officers. This does not preclude judicial officers from employing trainees, candidates, and other staff.

The profession is represented at national level by the **Chamber of Judicial Officers of the Czech Republic**.

##### Obligations of the judicial officer and ethical rules

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

- Prohibition of providing service in cases of conflict of interest.



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- Gainful activities are incompatible with exercising the profession of judicial officer except for own asset management, publishing, pedagogical work, etc.
- Judicial officers are subject to ethical rules laid down by the national chamber and approved by the Ministry of Justice. Obligation to comply with ethical and/or deontological rules.
- Cases and conditions in which the judicial officer must exert his activities personally.
- Conditions of archive keeping.
- Bookkeeping.
- Obligation to respect the tariff.
- Obligation for the judicial officer to be submitted to a control of his activities by the court, Chamber, or ministry.
- 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

### 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.
- Forced real estate management.
- Forced sale of shares.
- Suspension of driving license (in the case of enforcing maintenance for a minor)
- Evictions.
- 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.
- 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.



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- Forced public auction sale of tangible movable goods.
- Forced public auction sale of immovable.
- 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.
- Distribution to creditors of monies collected during the forced auction sale of an immovable 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 and Internet auction sale of tangible movable goods attached by the judicial officer.
- Physical and Internet auction sale of businesses attached by the judicial officer.
- Physical sale of immovable goods attached by the judicial officer.

### Voluntary public auction sales

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

- Physical and Internet auction sale of tangible movable goods attached by the judicial officer.
- Physical and Internet auction sale of businesses attached by the judicial officer.
- Physical and Internet sale of immovable goods attached by the judicial officer.

Other activities (X = yes)	
Debt collection	
Statements of facts	X
Sequestration of goods	X
Legal advice	X
Bankruptcy proceedings	
Missions entrusted by a judge	X
Mediation	
Representation of parties in the court	X (in some cases)
Drawing up of private deeds and documents	X (in some cases)
Court service	X
Real estate management	