



Updated in April 2020

The Judicial Officer in the World

FRANCE

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

Presentation

Generalities

Approx. 3.200 judicial officers are appointed within approx. 1.860 offices. They work together with approx. 700 trainees or assistants and approx. 12.000 staff. They exercise their missions as liberal professionals - as partners of offices - or as salaried judicial officers.

The “growth and activity” law of 6 August 2015, known as the “Macron law”, changed the profession of judicial officer. In order to simplify and improve the public service of justice, the judicial officer will become a commissioner of justice from 2022. This new profession is the result of the blend between the judicial officers and the auctioneers which was officially launched in January 2019. The new Chamber of Commissioners of Justice is made up of two sections (section of judicial officers and section of auctioneers). From 1st July 2022 judicial officers and auctioneers will no longer constitute two separate professions and will merge to become commissioners of justice. They will thus be designated under the exclusive name of Commissioner of Justice.

Initial training of judicial officers

To become a judicial officer, the level required according to the provisions of decree n ° 75-770 of 14 August 1975 relating to the conditions of access to the profession of judicial officer is the following: four years of legal studies or equivalent (Master 1 or equivalent).

On the other hand, with regard to the future profession of commissioner of justice, the decree of 15 November 2019 and the decree of 13 December 2019 provide details concerning the titles or diplomas recognised for the exercise of the new profession of commissioner of justice and requires a level of education corresponding to at least five years of study after the baccalaureate (Master 2 or equivalent).

The national training institute of judicial officers (INHJ), created in 2018, is in charge of the training that all candidates for the professional examination must have followed, in addition to their internship, for a period of 2 years. The initial training of judicial officer is provided according to a blended learning method.

Continuing education of judicial officers: bridge training

The so-called “bridge” training is a training set up by the sections of judicial officers and auctioneers to enable practicing professionals to acquire the qualification of “commissioners of justice”. The auctioneers are trained in civil procedure and enforcement procedures and vice versa judicial officers are trained in art law, and public auctions in order to acquire the respective skills. Training must be completed before 1st January 2026. In addition, all judicial officers are subject to an obligation of continuous training of 20 hours per year.



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The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer. Judicial officers are appointed by the Ministry of Justice. There is no limit to the number of judicial officers. The geographic jurisdiction of the French judicial officer is, since the "Macron" law, that of the Court of Appeal, which allows an optimal territorial network while maintaining access to a local professional. A judicial officer may exercise his activity within a structure comprising another or more other judicial officers. Between 30 and 40% of the judicial officers exert individually, the others exercising in a non-individual form.

The profession is represented before public authorities at the national level by the **National Chamber of Commissioners of Justice** (judicial officers' section).

The judicial officers can join trade unions (there are two representative trade unions which participate, with the National Chamber and with the trade union representations of the employees, in the negotiation of the collective agreement).

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 office.
- 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 office.
- 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

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.



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- 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.
- 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.
- 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.

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.
- Physical (as opposed to Internet) auction sale of intangible movable 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:



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- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.

Other activities (X = yes)	
Debt collection	X
Statements of facts	X
Sequestration of goods	X
Legal advice	X
Bankruptcy proceedings	X (in some cases)
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