



Updated in April 2020

The Judicial Officer in the World

THE NETHERLANDS

Name (singular and plural): **Gerechtsdeurwaarder - Gerechtsdeurwaarders**

Presentation

Generalities

Approx. 297 judicial officers are appointed within approx. 160 offices. They work together with approx. 420 trainees or assistants and approx. 4.000 staff. All are liberal or self-employed professionals and competent to exert their tasks throughout the Netherlands.

Training

Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: Three years of law studies or equivalent. There is an initial training for the future judicial officers. This training is compulsory. Duration: More than 3 years.

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 not compulsory for the staff of judicial officers. According to the Regulation laying down Rules of Professional Conduct and Practice for Dutch Judicial Officers, he or she has to ensure that the arrangement and organisation of his office meets the standards of proper professional practice. He/she shall ensure that his/her employees have the competence required for performing the tasks assigned to them.

The exercise of the profession

The judicial officers are appointed by the head of State or the Government. The number of judicial officers is not limited. A judicial officer can exert his activities within a legal structure including another or several other judicial officers. Under a few exceptions all judicial officers exert within a non-individual legal structure.

The profession is represented at national level by: **Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders** (www.kbvg.nl).

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...).



Updated in April 2020

- 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 of counsel towards citizens in the framework of the activities of the judicial officer.
- Obligation to respect the fixed fees payable by a debtor for the official duties of the judicial officer.
- Obligation for the judicial officer to be submitted to the supervision of the Financial Surveillance Bureau (www.bureauft.nl).
- Obligation to comply with ethical and/or deontological rules.
- Obligatory membership of the Royal professional Organisation of judicial officers (www.kbvg.nl).

Activities

Enforcement of court decisions

The judicial officer is charged with 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.
- 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.
- 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.



Updated in April 2020

- 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.

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 (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 is allowed to exercise the auctioneering business, provided that the official acts referred to in Article 2(1)(e) of the Dutch Judicial Officers Act are not performed.

Other activities (X = yes)	
Debt collection	The judicial officer shall perform activities other than those referred to in Article 2 Dutch Judicial Officers Act only if they do not affect or obstruct the proper and independent discharge of his office or its reputation. The judicial officer can exert the activity of debt collecting for third parties.
Statements of facts	X
Sequestration of goods	X
Legal advice	X
Bankruptcy proceedings	
Missions entrusted by a judge	
Mediation	X
Representation of parties in the court	X
Drawing up of private deeds and documents	
Court service	X
Real estate management	X