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The Judicial Officer in the World

ENGLAND AND WALES

Name (singular and plural): **High court Enforcement Officer – High Court Enforcement Officers**

Presentation

Generalities

There are 43 Judicial officers known as Authorised High Court Enforcement officers who are appointed by the Lord Chancellor or their designated person. There are a number of trainees undergoing their authorisation training. All are liberal or self-employed professionals. Every judicial officer or office of judicial officer is competent on the entire national territory of England and Wales.

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: up to three years. On-going training is available for the judicial officers.

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 the Ministry of Justice. The number of judicial officers is not limited. A judicial officer can exert his activities within a structure including another or several other judicial officers. Between 10 and 20% of judicial officers exert individually, the others exerting within a non-individual structure.

The profession is represented at national level by the **High Court Enforcement Officers' Association**.

Obligations of the judicial officer and ethical rules

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

- 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



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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 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 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.
- 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.
- Arrest of persons according to a court decision.
- 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.
- Forced public auction sale of tangible movable goods.

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 and commercial matters.

Forced public auction sales

The judicial officer can carry out the forced public auction sale of the following goods: Internet auction sale of tangible movable goods attached by the judicial officer.

Voluntary public auction sales

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



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Other activities (X = yes)	
Debt collection	
Statements of facts	X
Sequestration of goods	X
Legal advice	
Bankruptcy proceedings	Only service of the judicial papers for bankruptcy
Missions entrusted by a judge	X
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	Only when also serving as a qualified Solicitor
Court service	
Real estate management	Only when also serving as a Realtor