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## The Judicial Officer in the World

### FRENCH POLYNESIA

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

#### Presentation

##### Generalities

French Polynesia currently has 4 offices, 7 judicial officers and around thirty collaborators, competent over the whole of this territory as vast as Europe, comprising 5 archipelagos and 118 islands. An overseas country within the French Republic, French Polynesia is nonetheless autonomous in terms of ministerial officers and in particular judicial officers. The profession is governed by Deliberation n° 92-122 AT of August 20, 1992, fixing the status of judicial officers and sworn clerks in French Polynesia, who are appointed by order of the Council of Ministers of the Government of French Polynesia, on a proposal of the Attorney General. The status was recently reformed by the Loi du Pays n° 2021-10 of February 1, 2021, pending application. They come under the jurisdiction of the Papeete Court of Appeal, which has its seat on the island of Tahiti.

##### Training

The level required to become a judicial officer, following the entry into force of Country Law No. 2021-10 of February 1, 2021, pending application, is as follows:

- Master's degree in law.
- Prior two-year internship in a bailiff's office.
- Having successfully passed the professional examination organised by the Chamber of Judicial Officers.

Judicial officers are subject to an obligation of continuous training of 20 hours per year. There is no continuous training system for the collaborators of judicial officers.

##### The exercise of the profession

Barring exceptions, a professional examination is necessary to access the function of judicial officer. The number of offices is limited, but the number of judicial officers is not. A judicial officer can exercise his activity within a structure comprising another or several other judicial officers.

The profession is represented internationally by the **Chambre des huissiers de justice de la Polynésie française** ([huissiersdepolynesie@gmail.com](mailto:huissiersdepolynesie@gmail.com)).

##### 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...).



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- 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 commissioner of justice. Disciplinary rules are applicable to the profession of commissioner of justice who is submitted to a control of his activities.

## **Activities exerted by the commissioners of justice**

### **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.
- 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.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.



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- Distribution to creditors of monies collected during the forced auction sale of an immovable.

When in charge of enforcement, the judicial officer has access to all 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) forced auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) forced 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:

- Physical sale (as opposed to sale on the Internet) of tangible movable property (subject to conditions).

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