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# bank account seizure

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If you owe money, you are debtor. An usher can make a seizure on your bank account (or several of your accounts) to repay part or all of your creditor. This entry is called *assignment*.

## You owe

### What debt?

The *assignment* only concerns debts of sums of money recognised by a court decision.

judicial officer ([https://www.service-public.fr/particuliers/vosdroits/F2158?](https://www.service-public.fr/particuliers/vosdroits/F2158?lang=en)  
Your creditor must load lang=en)  
more than one account, if necessary).

to write *seizure* on your bank account (or

Then, the bailiff *means*, i.e. deliver, *seizure* at your bank.

### How do you know about the seizure?

judicial officer ([https://www.service-public.fr/particuliers/vosdroits/F2158?](https://www.service-public.fr/particuliers/vosdroits/F2158?lang=en)  
Your creditor must load lang=en)  
more than one account, if necessary).

to write *seizure* on your bank account (or

Then, the bailiff means this *seizure* at your bank.

The bailiff must inform you, by act of bailiff, the service of the entry in your bank **8 days**.

#### FYI

If the bank account entered is a joint account, the usher must inform each account holder.

The act of bailiff that informs you must include the following elements (otherwise, it is not valid):

Copy of the record of seizure and reproduction of the information communicated by the seized bank (when the document of seizure is served by mail)

In very apparent characters, the indication that you can challenge the *assignment* within one month of being served on your bank, the date on which this period expires, the indication that you must inform the bailiff of your challenge by sending a registered letter with acknowledgement of receipt on the same day

The court before which you can challenge the seizure

Amount that must be left on your bank account and the bank account that this amount is present on

#### FYI

The document must indicate that you can give the authorisation (in writing and through the usher) to your creditor to be remitted without delay by the bank the amount you owe (debt and bailiff's fees).

### What are the consequences of the seizure?

During 15 business days following meaning your bank account is blocked from entering the bank.

This time limit is used to determine the amounts that can be entered into your account.

## FYI

During these 15 business days, your account balance may vary if transactions made prior to the service of the entry to your bank occur after a period of time (for example: check delivered to your bank).

During these 15 business days, you cannot do transactions on your account (for example, you cannot withdraw money).

However, you can contact the judicial officer to agree on the conditions of the release of the entry. For example, you may agree to release the account before the end of the 15-working-day period in exchange for a payment schedule for the amount owing.

## What is the amount of the seizure?

### How is it calculated?

You cannot enter all amounts into your bank account, even if **what you owe (your debt and fees (<https://www.service-public.fr/particuliers/vosdroits/F10404?lang=en>))** exceeds the amount in your bank account.

**It is mandatory to leave you at least €575.52** : it is *Bank balance (SBI)*.

It is forbidden to take you **amounts that are elusive**, given their origin (e.g. minimum social). To do this, you must provide the bank with **supporting** the origin of these sums within business days following meaning of the seizure at the bank.

Therefore, the amount entered depends on the amount of your account and the source of the sums:

### Bank account less than or equal to 575,52 €

#### Example :

If your bank account has **€200** before the seizure, the bank leaves these **€200** on the account. No money is taken from the account.

### Bank account greater than €575.52

#### Bank account with elusive sums

##### Elusive sums less than €575.52

#### Example :

If the day of entry:

Bank account has **€700** of **€100** elusive sums

The foreclosure to be done is **€400**

The SBI is then **€575.52**.

Then, after entering:

The SBI amount is left on the account, either **€575.52** (because it is greater than the amount of non-recoverable amounts)

The seizure made is **€700-€575.52= €124.48**

##### Elusive sums greater than €575.52

#### Example :

If the day of entry:

Bank account has **€700** of **€600** elusive sums

The foreclosure to be done is **€400**

Then, after the seizure:

The amount of the non-recoverable amount (as it is higher than the SBI) is left on the account, either **€600**

The seizure made is **€700-€600= €100**

## Other

#### Example :

If the day of entry:

Bank account has **€700**. It does not include any elusive sums

The foreclosure to be done is **€400**

The SBI is then **€575.52**.

Then, after entering:

The SBI amount is left on the account, either **€575.52**

The seizure made is **€700-€575.52=€124.48**

### What are the elusive sums?

Some sums **wholly elusive** :

Activity Award

Representative Professional Expenses Allowances

Capital allowances or workers' compensation

Severance benefits resulting from the company's economic situation

Custom Autonomy Allocation (Apa)

Allowance for disabled adults (AAH) and increase for independent living (MVA) except for the payment of the maintenance costs of the disabled person

Specific Solidarity Allowance (SSA)

Some sums **only partly** :

Net salary

Overtime Pay Increases

Benefits in kind

Daily sickness, maternity and accident at work allowances

Supplementary allowances for reduced working hours (part-time, temporary part-time)

Unemployment benefits (allowances, aid and any other benefits paid by Pôle emploi)

Voluntary retirement allowance

Return to Work Allowance

Disability pensions and annuities

Superannuation and pension reversion

Solidarity allowance for the elderly (Aspa)

### FYI

Family benefits may be seized

only in certain cases and only for the payment of certain claims(<https://www.service-public.fr/particuliers/vosdroits/F863?lang=en>)

## How to contest the seizure?

### Terms

You can challenge the entry **1 month** after the usher has informed you, by act of bailiff, meaning of the seizure at your bank.

To do this, you must:

Use by subpoena the execution judge (JEX) (<https://www.service-public.fr/particuliers/vosdroits/F20851?lang=en>)

of the place where you live

Inform the judicial officer of your challenge, by registered letter with acknowledgement of receipt, on the same day or <sup>1</sup> next business day

Notify the bank of your protest by simple letter

Provide a copy of this assignment to the JEX Registry by the day of the hearing

### Consequences

Payment of the creditor shall be deferred until the enforcement judge (JEX) makes his decision (*prescription*).

To get the payment, the judicial officer must present the bankorder *dismising* rendered by the judge against your challenge.

The bank pays the creditor.

## No protest

## The protest deadline has passed

You can challenge the entry **1 month** after the usher has informed you, by act of bailiff, meaning of the seizure at your bank.

After this period, in order to obtain payment of what you owe, the judicial officer must present to the bank a certificate stating that you do not contest the seizure.

The bank pays the creditor.

## You accept the input

You may (in writing) authorise your creditor to be remitted without delay by the bank the amount you owe (debt and bailiff's fees).

You have to give this document to the bailiff for him to mean at the bank.

The bank then pays the creditor.

## You are creditor

### What are the conditions?

The *assignment* applies only to claims on money.

You must have a enforceable title, noting a debt assessed in cash and due (the date for its repayment has expired).

You must contact a judicial officer (<https://www.service-public.fr/particuliers/vosdroits/F2158?lang=en>), who will establish a *seizure* and mean to the bank of debtor. And within 8 days, he informs the debtor of the service of the seizure to his bank.

### What is the amount of the seizure?

It is forbidden to enter all amounts in the bank account, even if the **amount debt and fees** (<https://www.service-public.fr/particuliers/vosdroits/F10404?lang=en>) exceeds the amount in the bank account.

Indeed, **minimum €575.52**, is *Bank balance (SBI)*.

It is forbidden to take **certain sums that are not eligible, given their origin** (for example: minimum social).

Therefore, the amount entered depends on the amount on the account and the source of the sums:

### Bank account less than or equal to 565,34 €

#### Example :

If your bank account has **€200** before the seizure, the bank leaves these **€200** on the account. No money is taken from the account.

### Bank account greater than €565.34

#### Bank account with elusive sums

##### Elusive sums less than €565.34

#### Example :

If the day of entry:

Bank account has **€700** of **€100** elusive sums

The foreclosure to be done is **€400**

The SBI is then **€575.52**.

Then, after entering:

The SBI amount is left on the account, either **€575.52** (because it is greater than the amount of non-recoverable amounts)

The seizure made is **€700-€575.52= €124.48**

##### Elusive sums greater than €565.34

#### Example :

If the day of entry:

Bank account has ~~€700~~ of ~~€600~~ elusive sums

The foreclosure to be done is **€400**

Then, after the seizure:

The amount of the non-recoverable amount (as it is higher than the SBI) is left on the account, either **€600**

The seizure made is **€700-€600= €100**

## Other

### Example :

If the day of entry:

Bank account has **€700**. It does not include any elusive sums

The foreclosure to be done is **€400**

The SBI is then **€575.52**.

Then, after entering:

The SBI amount is left on the account, either **€575.52**

The seizure made is **€700-€575.52=€124.48**

## What are the elusive sums?

Some sums are completely elusive:

Activity Award

Representative Professional Expenses Allowances

Capital allowances or workers' compensation

Severance benefits resulting from the company's economic situation

Custom Autonomy Allocation (Apa)

Allowance for disabled adults (AAH) and increase for independent living (MVA) except for the payment of the maintenance costs of the disabled person

Specific Solidarity Allowance (SSA)

Some amounts are not accessible in part only:

Net salary

Overtime Pay Increases

Benefits in kind

Daily sickness, maternity and accident at work allowances

Supplementary allowances for reduced working hours (part-time, temporary part-time)

Unemployment benefits (allowances, aid and any other benefits paid by Pôle emploi)

Voluntary retirement allowance

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Solidarity allowance for the elderly (Aspa)

## FYI

Family benefits may be seized

only in certain cases and only for the payment of certain claims(<https://www.service-public.fr/particuliers/vosdroits/F863?lang=en>)

## When does the payment of the amount seized take place?

### Debtor challenges seizure

If debtor disputes the entry within one month of *the act of seizure*, payment shall be deferred until the execution judge (JEX) has given his decision (*order*).

To get the payment, the judicial officer must present the bank *order dismissing* by the judge against the challenge of debtor.

The bank then pays you.

## The debtor passes the deadline by one month

If debtor does not contest the seizure within one month of the date of the document of seizure, the bailiff must present to the bank a certificate attesting the absence of protest.

The bank then pays you.

## The debtor accepts the seizure

The debtor may accept the seizure (in writing) after being informed of the act of seizure.

The bailiff must mean this document at the bank.

The bank then pays you.

### Statute and miscellaneous references

Code of Civil Enforcement Procedures: Articles L211-1 to L211-5

- ([https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000025024948/LEGISCTA000025025802/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000025024948/LEGISCTA000025025802/))  
Input-assignment (principles)

Code of Civil Enforcement Procedures: items R211-1 to R211-3

- ([https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000025024948/LEGISCTA000025938468/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000025024948/LEGISCTA000025938468/))  
Input procedure

Code of Civil Enforcement Procedures: items R211-6 to R211-9

- ([https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000025024948/LEGISCTA000025938483/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000025024948/LEGISCTA000025938483/))  
Payment of seized amount

Code of Civil Enforcement Procedures: items R211-10 to R211-13

- ([https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000025024948/LEGISCTA000025938493/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000025024948/LEGISCTA000025938493/))  
Appeal

Code of Civil Enforcement Procedures: Articles L162-1 and L162-2

- ([https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000025024948/LEGISCTA000025025791/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000025024948/LEGISCTA000025025791/))  
Amount of money entered into the bank account

Code of Civil Enforcement Procedures: items R162-1 to R162-9

- ([https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000025024948/LEGISCTA000025938440/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000025024948/LEGISCTA000025938440/))  
Payment of seized amount

### FAQ

What are the types of income you can claim?([https://www.service-public.fr/particuliers/vosdroits/F31185?](https://www.service-public.fr/particuliers/vosdroits/F31185?lang=en)

- lang=en)

Who has to pay the judicial officer who is responsible for claiming an unpaid amount?([https://www.service-public.fr/particuliers/vosdroits/F10404?](https://www.service-public.fr/particuliers/vosdroits/F10404?lang=en)

- lang=en)

### Additional topics

Elusive Bank Balance (SBI) ([https://www.service-public.fr/particuliers/vosdroits/F1437?](https://www.service-public.fr/particuliers/vosdroits/F1437?lang=en)

- lang=en)  
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