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Judicial officer

Verified 30 décembre 2021 - Directorate of Legal and Administrative Information (Prime Minister), Ministry of Justice

The judicial officer is a ministerial public officer. Its two main tasks are to implement court decisions and establish authentic acts. He performs many other duties, whether or not in connection with legal proceedings. The remuneration of the bailiff includes several elements, some of which are regulated. He must provide the client with a detailed statement of his remuneration. The authentic act drawn up by a bailiff can be challenged in court.

Functions

Enforcement of a court order

On presentation of enforceable title, the bailiff shall [seizures \(https://www.service-public.fr/particuliers/vosdroits/N277?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/N277?lang=en) and evictions. It verifies the legality of the requested acts, but does not assess their appropriateness.

In the event of difficulties (insolvency, obstruction, withholding of information, need to use public force), it may take the following actions:

- Propose friendly arrangements
- Ask the administrations for assistance in obtaining information (home address, employer address, bank account...),
- Ask for the support of the police (police or gendarmerie) to act

 **FYI** : in Alsace-Moselle, notarized documents relating to the payment of a sum of money constitute enforceable documents when the debtor does not oppose enforcement.

Since 24 December 2021, the judicial officer has in addition 2 new powers:

- Right of access to special mailboxes of collective dwellings, under the same conditions as postal agents
- Right to access bank account file in case of [conservatory seizure \(https://www.service-public.fr/particuliers/vosdroits/F1748?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1748?lang=en) on bank accounts

Issue of authentic acts

Without the need to be authorised to do so, or after obtaining the agreement of a judge, the bailiff shall draw up minutes of observations which describe, in a neutral and incontestable manner, what he observes:

- by going to the places where the events that a person asks him to report take place (malpractices, non-presentation of children, nuisance of neighbours, abandonment of a post, etc.),
- by making screenshots on websites accessible to all (defamation, plagiarism, misleading advertising, etc.),
- or by using other legal means that it considers useful to establish the reality of a situation.

Other missions

In judicial proceedings

The bailiff personally delivers assignments and meaning judicial acts.

He brings to the home of the persons concerned the citations before the police court, the correctional court and the court of assises.

In a non-judicial process

The bailiff notify civil partnership breaks.

It can also:

- advising people in writing contracts,
- make summons (before any trial). This act allows to warn another person to do or not do something. It is a form of formal notice. For example, to stop the nuisance of neighbours,
- perform mandatory information or warning acts provided for by law for which regular mail with notice of receipt may suffice. This is, for example, a termination procedure for which the employer wants to avoid return with a notice *unclaimed* or *letter denied*,
- Sealing or inventory following the death of a person,
- make public sales of movable property, in the absence of an auctioneer.

How do I find a bailiff?

You can find the contact details of a bailiff near your home on the website of the National Chamber of bailiffs:

Who shall I contact

- **Judicial officer** [↗ \(https://cnhj.huissier-justice.fr/Annuaire.aspx\)](https://cnhj.huissier-justice.fr/Annuaire.aspx)

Cost

The remuneration of a bailiff is regulated. It is broken down into different sums, which vary according to the type of acts performed, according to the value of the property or the amounts involved, and sometimes according to the chosen bailiff.

Some people get discounts (**legal aid** (<https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en>), **overhang** (<https://www.service-public.fr/particuliers/vosdroits/N99?lang=en>), **expropriation** (<https://www.service-public.fr/particuliers/vosdroits/N326?lang=en>)).

It is possible to **ask the bailiff for a detailed account of the sums he claims** (<https://www.service-public.fr/particuliers/vosdroits/R50950?lang=en>).

 **FYI** : a receipt is issued for the cash payment.

Emoluments

Remuneration shall correspond to the remuneration of information acts provided for by law and implementing acts.

They are calculated by the bill:

- of **codified fixed rights** : the rates depend on the deed performed and are multiplied by a coefficient in case of pecuniary obligation (0.5 for rights between €0 and €128, 1 for rights between €128 and €1280 and 2 for rights beyond €1280)
- of **proportional rights** also *collection or collection*, which establish a form of interest on sums recovered (between 4.25 and 550 for debtor, and between €21.28 and €5,540 for creditor)
- of **right to sue** received on the occasion of^{to} act of a debt recovery procedure and varying between 4.29 and 268.13, depending on the amount of money involved
- and **case management fees** not exceeding 32.74 for the same case.

Fees

The fees correspond to the remuneration of councils, summonses and statements (other than statements of rental premises, which are subject to emoluments). They are freely fixed between the bailiff and the applicant, before the acts concerned are carried out.

Disbursements

The disbursements cover incidental expenses paid in advance by the bailiff, for which he requests reimbursement. These include tax, postage, remuneration or compensation rights of persons whose presence or intervention has been requested, etc.

Value added tax (VAT), and a specific flat tax, of an amount of €14.89, shall also form part of the disbursements.

Travel

The judicial officer shall receive for each act served an allowance for transport costs fixed at €7.67.

Electronic acts

The bailiff shall collect, for each act performed exclusively by electronic means, €8.80.

Payment

The payer is the person who requests the deed, unless:

- a law or a judgement indicates that the costs of the bailiff for this act are shared or borne by another person,
- the act was made absolutely necessary by the objective bad faith of a person whose debt is owed to the applicant (in which case, that person must pay).

 **Please note** : the bailiff may claim (refundable) provisions from his clients before the performance of the acts, and may deduct from the sums recovered from a debtor the expenses of his acts.

Challenge of an act

If the act is directly related to an ongoing trial, the challenge must be brought before the court dealing with the case.

In other cases, the challenge must be brought by assignment before enforcement judge.

Statute and miscellaneous references

- Code of Civil Procedure: Articles 49 to 52 [↗ \(https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006135863&cidTexte=LEGITEXT000006070716\)](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006135863&cidTexte=LEGITEXT000006070716)
Fee, disbursement, fees
- Code of Civil Procedure: Articles 704 to 718 [↗ \(http://legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006135904&cidTexte=LEGITEXT000006070716\)](http://legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006135904&cidTexte=LEGITEXT000006070716)

Verification and recovery of costs

- Code of Civil Procedure: Articles 719 to 721 [↗](https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006135905/) (https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006135905/)
Applications or challenges relating to fees, emoluments and disbursements not included in the costs
- Code of Civil Procedure: Articles 1307 to 1315 [↗](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006181707&cidTexte=LEGITEXT000006070716) (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006181707&cidTexte=LEGITEXT000006070716)
Sealing
- General tax code: Article 302a Y [↗](http://legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006147037&cidTexte=LEGITEXT000006069577) (http://legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006147037&cidTexte=LEGITEXT000006069577)
Flat tax on acts of judicial officers
- Code of Civil Enforcement Procedures: Articles L122-1 to L122-3 [↗](http://legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025026711&cidTexte=LEGITEXT000025024948) (http://legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000025026711&cidTexte=LEGITEXT000025024948)
Entering
- Order No. 45-2592 of 2 November 1945 concerning the status of bailiffs [↗](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006069177) (http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006069177)
- Decree No. 56-222 of 29 February 1956 concerning the status of judicial officers [↗](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000686521) (http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000686521)
- Order of 28 February 2020 fixing the regulated tariffs of judicial officers [↗](https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000041663389) (https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000041663389)
Rates

Online services and forms

- Ask the judicial officer for a detailed account of the sums he claims from you [↗](https://www.service-public.fr/particuliers/vosdroits/R50950?lang=en) (https://www.service-public.fr/particuliers/vosdroits/R50950?lang=en)
Document template

For more information, please contact

- What if you receive a visit from a judicial officer? [↗](https://www.inc-conso.fr/content/que-faire-si-vous-recevez-la-visite-dun-dhuissier-de-justice) (https://www.inc-conso.fr/content/que-faire-si-vous-recevez-la-visite-dun-dhuissier-de-justice)
National Institute of Consumer Affairs (INC)