



KONINKLIJKE BEROEPSORGANISATIE VAN GERECHTSDEURWAARDERS

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# The bailiff system in the Netherlands

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# Civil enforcement Agents



- **Judicial Officer /bailiff** (gerechtsdeurwaarder);
- **Taks officer** (belastingdeurwaarder);
- **Public notary**;
- **Certain government bodies** (municipality, maintenance recovery bureau).

# Judicial officer I



- Civil servant, not employed by the government (private system);
- ± 630 (Assigned) Judicial Officers and candidates;
- Appointed by the King (minister of justice);
- Authorised within the Netherlands (European part);
- Exclusive authority regarding assigned duties;
- Undertakes non-administrative activities.

# Judicial officer II



- Service of documents (writs);
- Execution of enforceable titles;
  - a) Attachments of goods
  - b) Garnishment of bank assets
  - c) Garnishment of income
  - d) Execution against property (evictions)

# Support



- Registers:
  - domicile register
  - register of income
  - attachment register (KBvG)
  - Banking information (limited)
  - Vehicle registration (vehicle authority)
  - Kadaster (public)
- Police

# Earnings



Bailiffs' Fees Decree (Btag) →

Based on the costs + a reasonable profit

- Prices are negotiated freely (Market forces);
- Set prices for debtor (“pollutor pays”)

Competition (on price) increases efficiency

# Education



- 4 year LL.B-program (University of applied sciences in Utrecht);
  - 1 year Traineeship (builds towards entrepreneurship);
- +
- Permanent education

# Appointment



- Completion of LLB-program + Traineeship;
- Business plan (recommendation Committee of Experts);
- Advice KBvG and Financial Supervision Office;
- Check previous disciplinary measures;
- Recommendation of good conduct.



# KBvG

## Royal Professional Association of Judicial Officers

- **Public body (art. 134 Dutch Constitution);**
- **Established 2001 (Gerechtsdeurwaarderswet);**
- **Compulsory membership of all judicial officers;**
- **“Mini-democracy” with a Board, a Council of Members and a General Meeting (+ secretariat);**
- **Power to formulate and promulgate bylaws.**

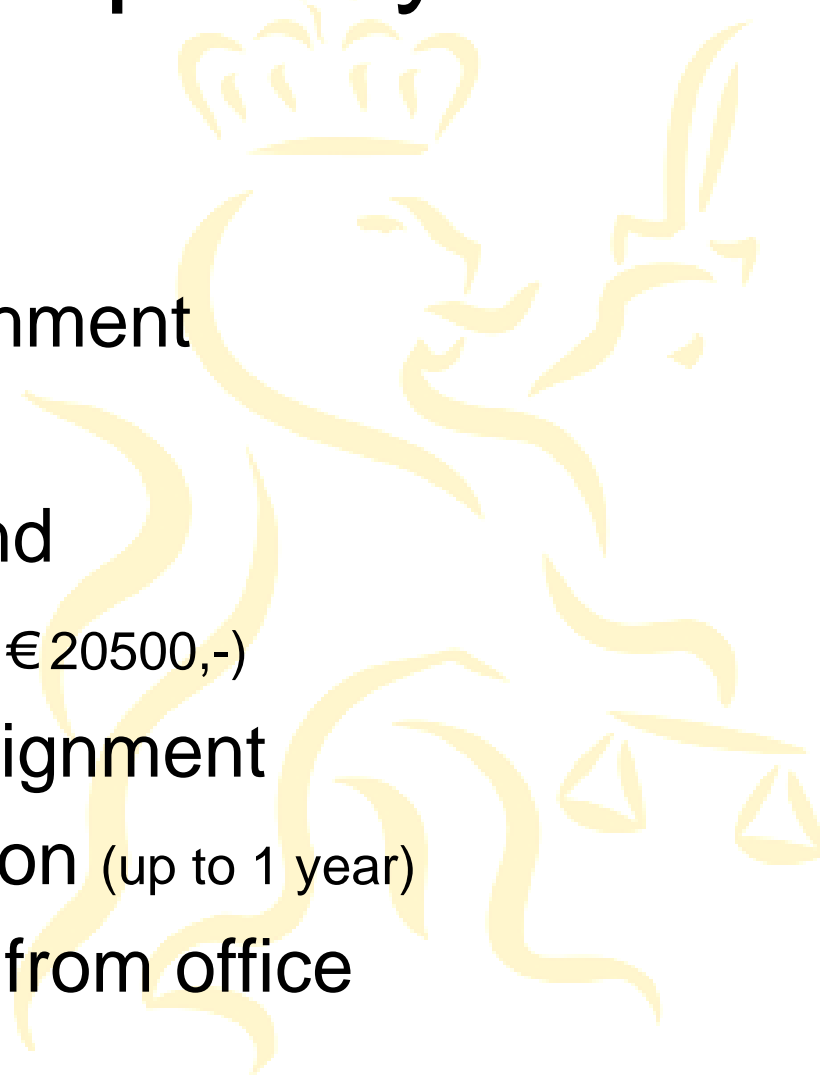
# oversight



- **Disciplinary court** (chamber of judicial officers);
- **Financial Supervision Office** (third-party funds);
- **Auditing** (“Normen voor Kwaliteit”-bylaw);
- **Ombudsman**;
- **Data Protection Authority.**

# Disciplinary measures

1. No punishment
2. Warning
3. Reprimand
4. Fine (up to €20500,-)
5. Deny assignment
6. Suspension (up to 1 year)
7. Removal from office





# Questions?

