

2023/042 OF 25 JAN 2023  
DECREE No. \_\_\_\_\_ OF \_\_\_\_\_  
to lay down the rules and regulations and  
organization of the profession of Bailiff and  
Enforcement Agent.-

THE PRESIDENT OF THE REPUBLIC,

**Mindful of** the Constitution;

**Mindful of** the OHADA Uniform Act organizing simplified recovery procedures and enforcement measures;

**Mindful of** Law No. 2006/15 of 29 December 2006 relating to judicial organization, as amended and supplemented by Law No. 2011/27 of 14 December 2011;

**Mindful of** Decree No. 2018/190 of 2 March 2018 to amend and supplement some provisions of Decree No. 2011/408 of 9 December 2011 to organize the Government,

**HEREBY DECREES AS FOLLOWS:**

**CHAPTER I**  
**GENERAL PROVISIONS**

**ARTICLE 1:** This decree relates to the rules and regulations and organization of the profession of Bailiff and Enforcement Agent. To that end, it lays down the general rules applicable to the profession of Bailiff and Enforcement Agent, and the organization and practice of the said profession.

**ARTICLE 2:** (1) A Bailiff shall be a law official tasked with:

- (a) executing some actions required for the initiation and conduct of trial proceedings at the behest of the parties, the Judge, or the Legal Department;
- (b) enforcing court judgments and any other enforceable processes;
- (c) extrajudicial statements, summonses, applications, formal notices and inquiries;
- (d) executing any action prescribed by law;
- (e) executing court orders and maintaining order during court hearings.

(2) The Bailiff shall also act as auctioneer.

**ARTICLE 3:** (1) Bailiff offices shall be set up by decree of the President of the Republic within the jurisdiction of a Court of First Instance. However, the territorial jurisdiction of the Bailiff shall cover the entire Division wherein his/her chambers is domiciled.

(2) A Bailiff shall practice his profession either individually or within a professional partnership, abbreviated as PP.

(3) A Bailiff who is a member of a PP may be transferred to another PP upon request and on the recommendation of the National Chamber of Bailiffs.

(4) An office-bearing Bailiff may become a member of another PP or be transferred to another office at his request and on the recommendation of the National Chamber of Bailiffs. Membership or transfer shall mean vacancy of the previous office.

(5) In the cases referred to in (3) and (4) above, the unfavourable opinion of the National Chamber of Bailiffs may be appealed against before the General Assembly of the Court of Appeal of the seat of the National Chamber of Bailiffs.

**ARTICLE 4:** (1) A Bailiff may be assisted in the discharge of his duties by a criminal investigation officer on the authorization of the State Counsel.

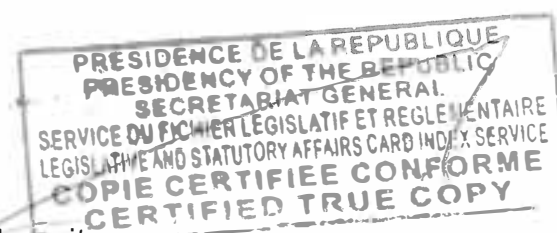
(2) A Bailiff may access the place of abode of a third party only in the cases and manner prescribed by law.

(3) In the event of obstruction to the discharge of his duties, the Bailiff shall record this in his report and submit a copy thereof to the State Counsel and the Subdivisional Officer. When enforcing a court decision or any other action that may require judicial enforcement, he shall disregard such obstruction, subject to the use of summary proceedings or a stay of execution by any party concerned.

(4) Where obstruction is accompanied by violence or threats of serious violence and the use of the forces of law and order is indispensable, the Bailiff shall prepare a report thereof countersigned by any criminal investigation officer present.

**ARTICLE 5:** Save otherwise provided in this decree, the practice of the profession of Bailiff shall be incompatible with:

- (a) the duties of Member of Government;
- (b) any elective office;
- (c) the duties of lawyer;
- (d) the status of civil servant;
- (e) any civil service or other public or private paid position;
- (f) the duties of law official in any other capacity;



- (g) any position of Company Manager, Board Member, Auditor and Accounting Officer.

## **CHAPTER II**

### **REQUIREMENTS FOR ADMISSION TO THE PROFESSION OF BAILIFF**

**ARTICLE 6:** (1) The requirements for admission to the profession of Bailiff shall be as follows:

- (a) be of Cameroonian nationality;
- (b) be at least 23 years of age;
- (c) be holder of an LLB from a Cameroonian university or an equivalent foreign certificate in law recognized by Cameroonian authorities;
- (d) be of good character and must not have been dismissed from public or semi-public office, removed as a law official, or struck off the list of pupil lawyers or the roll of the Bar for offences against honour, probity or morality;
- (e) must have passed the bailiff training course provided for in Article 11 below.

(2) In case of multiple candidates vying for the same office, files of candidates shall be submitted to the National Chamber of Bailiffs for approval. Such approval may be challenged before the General Assembly of the competent Court of Appeal.

(3) Bailiffs shall be appointed by decree of the President of the Republic.

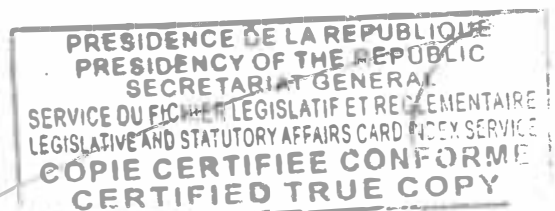
**ARTICLE 7:** Notwithstanding the provisions of Article 6 (1) (e) above, the following persons may be appointed as Bailiffs, subject to approval by the General Assembly of the competent Court of Appeal:

- (a) sworn enforcement officers and Clerks with 8 (eight) years of uninterrupted service in that capacity, excluding years of training;
- (b) registry administrators in active employment following a retraining period of no less than 3 (three) months and no more than 6 (six) months in a Bailiff chambers.

**ARTICLE 8:** (1) Subject to the provisions of Article 7 above, candidates for the profession of Bailiff shall take a proficiency test for traineeship the programme and organization of which shall be laid down by order of the Minister in charge of justice, in collaboration with the National Chamber of Bailiffs.

(2) Candidates shall submit the following documents along with their applications to the Minister in charge of justice:

- (a) certificate of nationality;
- (b) certified true copy of birth certificate;
- (c) Certificate of non-conviction;



- (d) copy of the certificate provided for in Article 6(c) and, where applicable, a statement of services provided;
- (e) approval issued free of charge by the Bailiff in whose chambers the candidate intends to undergo training.

(3) A Bailiff may not issue more than 2 (two) approval letters to candidates for the profession of Bailiff. In case of a private partnership, the number shall not exceed 4 (four).

(4) The number of trainee Bailiffs in a chambers may not exceed that specified in the previous paragraph, as the case may be.

(5) The training Supervisor must have an appropriate, suitable, decent and renowned chambers, certified by the Chairperson of the Steering Committee of the National Chamber of Bailiffs. He must also be up to date with his tax obligations.

**ARTICLE 9:** (1) Candidates who pass the competitive examination shall be placed on traineeship by order of the Minister in charge of justice.

(2) Trainee Bailiffs shall take the oath provided for in Article 22(3) of this decree, before the Court of First Instance of the seat of the chambers.

**ARTICLE 10:** (1) Traineeship shall span 2 (two) years and include:

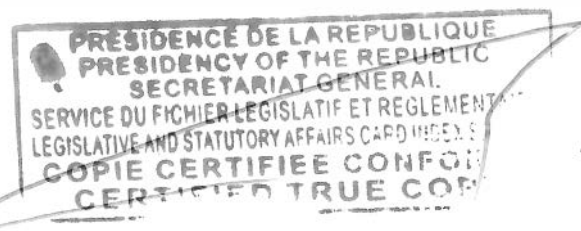
- attendance of court hearings;
- physical presence and training in the chambers of the Bailiff who issued the approval letter;
- compulsory participation in seminars and conferences organized by the National Chamber of Bailiffs leading to a certificate issued by the National Steering Committee Chairperson under the conditions specified by order of the Minister in charge of justice.

(2) During training, the trainee Bailiff shall receive from the supervisor an allowance equal to the salary of a sworn Clerk.

(3) A trainee Bailiff or persons referred to in Article 7(b) above shall be competent to handle all matters falling within the competence of a Bailiff, where assigned to them by a court or by their training supervisor.

**ARTICLE 11:** (1) The trainee Bailiff shall take a post-training examination the programme and conditions of organization of which shall be laid down by order of the Minister in charge of justice, in collaboration with the National Chamber of Bailiffs.

(2) The bailiff training course shall lead to a certificate issued by the Minister in charge of justice.



(3) Trainee Bailiffs who do not pass the examination provided for in (1) above shall be allowed to undergo another one-year training period.

(4) In case of a second failure at the post-training examination, the candidate concerned shall be struck off the list of trainee Bailiffs. Re-admission may be granted only on an exceptional basis by order of the Minister in charge of justice at the request of the person concerned.

### **CHAPTER III** **RIGHTS OF BAILIFFS**

**ARTICLE 12:** (1) Bailiffs shall be assisted by sworn Clerks and Clerks.

(2) A Bailiff may designate sworn Clerks to deputize for him/her in respect of all deeds under the competence of his chambers, save in cases of certified, seizure and verification reports.

(3) The sworn Clerk deputizing for a Bailiff must write his full name and position on the margin of the deed.

**Article 13:** Candidates seeking to serve as Clerks must:

- be at least 21 years of age;
- fulfill the requirements specified under Article 6(a) and (d) of this decree;
- hold at least a law diploma or officially recognized equivalent;
- have seniority of 5 (five) consecutive years in the same chambers;
- have an approval issued by the Bailiff in whose chambers he intends to undergo training.

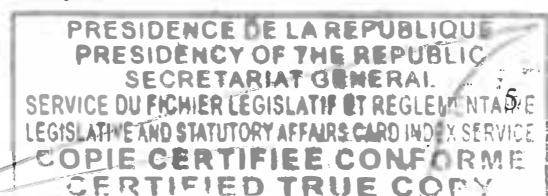
**ARTICLE 14:** The Clerks referred to in Article 13 above shall take the oath prescribed in Article 22(3) of this decree before the Court of First Instance.

**ARTICLE 15:** The approval issued to a Sworn Clerk may be withdrawn at the behest of the Legal Department, the office bearer or even the Court of its own motion.

**ARTICLE 16:** The fees and emoluments of Bailiffs shall be fixed by decree.

**ARTICLE 17:** A Bailiff chambers shall be accessible, inviolable and unseizable. It may not be sealed or searched save under the conditions specified by the laws in force.

**ARTICLE 18:** (1) A Bailiff shall be entitled to an annual leave of no more than 2 (two) months per year, save in case of illness. Such leave shall be granted by order of the Minister in charge of justice. In addition, he may leave the area of jurisdiction of his chambers for 48 hours only on the authorization of the State Counsel.



(2) During leave or lawful impediment of the Bailiff, the Court President shall designate by order, on the recommendation of the Bailiff and at the behest of the Legal Department, a Bailiff under its jurisdiction, a trainee Bailiff, or failing that, a Sworn Clerk, who shall deputize under the responsibility and joint and several liability of the titular Bailiff.

(3) In the event of pre-trial detention or suspension, the interim Bailiff referred to in (2) above may be chosen from among the certified trainee Bailiffs, ordinary trainee Bailiffs or, failing that, sworn Clerks, from a list of three (three) names proposed by the Legal Department not based on the recommendation of the titular Bailiff. In such case, the interim Bailiff shall alone be liable for the flaws made by him.

(4) Subject to the provisions of (2) above, the interim Bailiff shall enjoy the same rights and shall be subject to the same obligations as the titular Bailiff.

**ARTICLE 19:** (1) The interim Bailiff shall transfer to the Bailiff one half of the revenue realized by the Chambers, less the expenses and keep the other half.

(2) Where such interim is due to a disciplinary measure or custody followed by conviction, the revenue accruing to the Bailiff shall be paid to the Treasury.

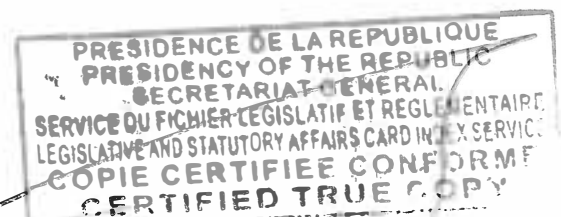
#### **CHAPTER IV** **PROFESSIONAL CARD OF BAILIFFS**

**ARTICLE 20:** The professional card of Bailiffs shall be issued by the Minister in charge of justice, upon presentation by the National Chamber of Bailiffs, of a file comprising for each Bailiff, the following:

- copy of decree of appointment;
- copy of oath-taking report;
- one photograph;
- certified true copy of birth certificate.

**ARTICLE 21:** (1) The professional card of Bailiffs, which shall be valid for 10 (ten) years, shall be in English and French. It shall bear the following information:

- full name, date and place of birth;
- serial number;
- date of issue;
- signature of bearer.



(2) The professional card of a Bailiff shall bear the signature and stamp of the authority that issued it.

## **CHAPTER V**

### **OBLIGATIONS OF BAILIFFS**

**ARTICLE 22:** (1) Before assuming duties, the Bailiff shall present to the State Counsel an insurance policy, as provided for in Article 28 below, and a receipt of payment of a bond whose amount, fixed by decision of the Minister in charge of justice, may not be less than 200 000 (two hundred thousand) CFA francs or more than 500 000 (five hundred thousand) CFA francs.

(2) The Minister in charge of justice shall define the conditions for release of the bond referred to in (1) above.

(3) The Bailiff must also have a decent facility approved by the State Counsel.

(4) Before assuming duties, the Bailiff shall take the oath before the Court of First Instance having jurisdiction as follows: *"I swear to discharge my duties with integrity and strictly in compliance with the laws and regulations of my office."*

(5) The Bailiff shall be bound to reside in the locality where he has been appointed.

(6) Any Bailiff who contravenes the provisions of paragraph (4) above shall be deemed to have resigned. In such case, the provisions of this decree relating to the termination of service shall be applied.

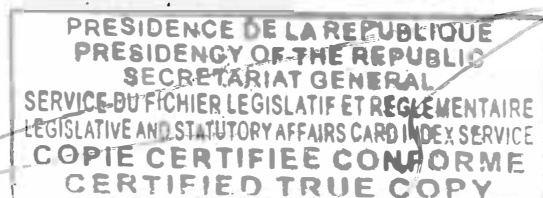
**ARTICLE 23:** (1) Where they are called upon to discharge his duties and when swearing in, Bailiffs, Trainee Bailiffs and Sworn Clerks shall be bound to wear a court dress.

(2) The court dress shall comprise a black gown, a white epitoge trimmed in white fur facings at both ends, a white pleated flap and a black toque.

**Article 24:** (1) The Bailiff shall be called upon to perform his duties whenever required to do so by private individuals, Judicial/Legal Officers or any other public authority, save where prohibited by law.

(2) The Bailiff shall inform whichever party requested his services of the outcome thereof and, where applicable, immediately remit to the latter, the proceeds of such proceedings.

(3) Any refusal or unjustified delay in acting may attract damages without prejudice to disciplinary and criminal penalties.



(4) Save otherwise provided for by the instruments in force or of the competent Court, the Bailiff shall not act:

- a) on business days before 6 a.m. and after 6 p.m. However, any action begun before 6 p.m. may continue beyond that time;
- b) on Sundays and public holidays.

**Article 25:** (1) In respect of non-criminal matters, the Bailiff who casually and complacently serves the writs of his office shall, without prejudice to damages for the parties, be liable to a civil fine of no more than 100,000 (one hundred thousand) CFA francs, at the behest of the aggrieved party or the Legal Department, by order on request, enforceable forthwith by the President of the competent Court, following requisition of the Legal Department.

(2) Without prejudice to damages for the parties, any Bailiff who fails to serve the writ and copies of the documents for which he is responsible within the period prescribed by the instruments in force, shall incur suspension and be required to remit to the parties concerned the sums collected, unless he establishes that such delay is to due factors beyond his control.

(3) Where it is established that he acted fraudulently, the Bailiff may be prosecuted in accordance with the law.

**Article 26:** (1) The Bailiff shall mention, under penalty of a civil fine of 50,000 (fifty thousand) CFA francs pronounced by the court before which the writ is produced, at the bottom of the original and each copy, the cost of the writ, and shall indicate in the margin of the original and copies, the number of rolls, copies of writs as well as the details of all items included in the cost of the writ.

(2) The Bailiff may not make any writ on behalf of a party without express authority. Notwithstanding, in the absence of evidence to the contrary, the following shall be deemed to be implied authority:

- delivery of writs or judgments in regard to enforcement;
- the payment, even partial, of emoluments and disbursements in all matters.

**Article 27:** (1) The Bailiff shall have the parties deposit the amount of the registration fees and the cost of the writs. He shall be bound to issue a receipt for the sums thus received.

(2) Where the sums deposited are higher than the expenses incurred, the Bailiff shall refund the overpayment within one month of the registration of the said writ.

**Article 28:** The Bailiff shall be bound to take out each year to an insurance policy with an approved company, intended to cover professional risks. A receipt shall be issued to the Procureur General, with a copy thereof to the Steering Committee of the National Chamber of Bailiffs.



**Article 29:** The Bailiff shall keep for 20 (twenty) years, copies of the writs he has served.

## **CHAPTER VI**

### **RECORDS OF THE BAILIFF**

**Article 30:** (1) The Bailiff keeps the following registers:

- a general register on civil matters;
- a general register on commercial matters;
- a general register on criminal matters;
- a general register on accounting matters;
- a general register on administrative matters;
- a general register on social matters;
- a general register on arbitration and conciliation matters;
- a journal;
- a ledger;
- a counterfoil book.

(2) The registers mentioned in paragraph (1) above shall be numbered and signed by the President of the Court of First Instance in whose jurisdiction his Chambers is located.

(3) The Bailiff shall also be required to pay to the Deposits and Consignments Fund (Caisse des Dépôts et Consignations) or Treasury, after 15 (fifteen) days, the sums and funds which he holds on behalf of his clients.

(4) In the event of transfer or interim, the handover of such registers and documents to the replacement or interim, as well as the closing of the cash fund shall be recorded in a report drawn up in four copies signed by the parties concerned. The said copies shall be transmitted to the competent State Counsel who, after endorsement, shall forward 2 (two) thereof to the Procureur General, keep the third in his archives and return the fourth to the Bailiff for archiving.

**Article 31:** (1) The general registers shall mention, without blanks or spacing and in order of date, all the writs and exploits, including official verifications. The costs of writs, travel expenses, disbursements and other sums collected shall be stated according to the different rates.

(2) The register shall be submitted every 3 (three) months for endorsement by the registration Revenue Officer, who shall note any omissions or delays and impose a fine of 10,000 (ten thousand) CFA francs for

each default. In areas where there is no registration office, such endorsement shall be required only every 6 (six) months.

**Article 32:** (1) The journal shall mention on a day-to-day basis, in order of date, without blanks or spacing, marginal reference or erasure, the revenue and expenses relating to the various matters referred to in Article 30 (1) above and in particular all the cash receipts, all the expenses carried out by the Bailiff of the proceedings, as well as remittances to the parties.

(2) The journal shall be submitted quarterly to the competent State Counsel for verification and endorsement by the 31st day of the following month at the latest. He shall compare the balance of such journal with that of the Deposits and Consignments Fund (Caisse des Dépôts et Consignations) or any other body in lieu thereof, plus the cash on hand, and forward the results of his verification to the Procureur General. He shall then return the journal to the Bailiff within 3 (three) days of its receipt.

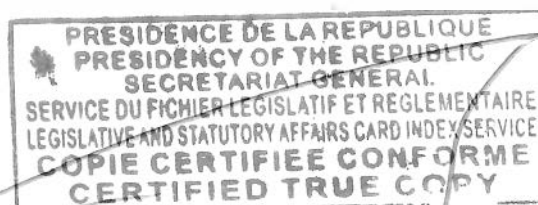
(3) Any failure to present the journal for endorsement shall be punishable by a civil fine of 100,000 (one hundred thousand) CFA francs, ordered by the President of the competent court at the behest of the State Counsel. Such order shall not be subject to appeal and shall be enforceable forthwith.

**Article 33:** (1) The ledger shall contain an account opened in the name of each client. Such account shall show all the sums deposited to cover the costs of the proceedings, as well as those collected or paid.

(2) Upon expiry of each judicial year, the Bailiff shall send, no later than 31 January, to the competent State Counsel, a summary account of the sums deposited with him and those he has used or paid over to the parties. The competent State Counsel shall forward the said account to the Procureur General with his comments.

(3) Any omission to present the ledger for endorsement shall attract a civil fine of one hundred thousand (100,000) CFAF ordered at the behest of the President of the competent Court referred to by the State Council. Such order shall not be subject to any appeal and shall be enforceable forthwith.

**Article 34:** The counterfoils shall comprise for each receipt, three (3) sheets, two (2) of which detachable; all three sheets shall bear the same number series each year. They shall bear the full names and place of residence of the paying party, the date, the case and the amount paid.



## **CHAPTER VII**

### **THE NATIONAL CHAMBER OF BAILIFFS**

**Article 35:** (1) At the national level, Bailiffs shall be grouped together under a professional organisation known as the National Chamber of Bailiffs. However, Bailiffs may be grouped together under the Regional Chamber of Bailiffs by region or group of regions.

(2) The aforementioned professional organs shall have legal personality.

(3) The National Chamber of Bailiffs shall be headquartered in Yaoundé. The Regional Chamber of Bailiffs shall set up its headquarters in the Regional headquarters.

(4) Regional Chambers of Bailiffs shall operate as the National Chamber of Bailiffs.

**Article 36:** The National Chamber of Bailiffs shall comprise:

- a General Assembly; and
- a Steering Committee.

**Article 37:** (1) The General Assembly shall comprise all Bailiffs authorized to practise.

(2) The General Assembly shall be convened by the President at least once per year in an ordinary session and, where necessary, in an extraordinary session, at the request either of the absolute majority of members, 2/3 of members of the Steering Committee or the Minister in charge of justice.

(3) Conditions for the organization and the functioning of the General Assembly shall be defined by the Standing Orders of the Chamber.

**Article 38:** The General Assembly shall elect members of the Steering Committee. It shall adopt the Standing Orders of the Chamber which shall be approved by the Minister in charge of justice and published in the Official Gazette in English and French.

**Article 39:** (1) The agenda of the General Assembly shall concern exclusively issues related to the practice of the profession.

(2) The agenda shall be drawn up by the President of the General Assembly who may be referred to one month before the session, on issues raised by members of the Chamber or the Minister in charge of justice.

(3) The agenda of each session of the General Assembly shall be notified, fifteen (15) days before the opening of the session, by any means leaving a paper trail to the Minister in charge of justice. The Minister in charge of justice may, where the agenda is not in conformity with the

provisions of Sub-Section (1) above, prohibit the convening of an ordinary or extraordinary General Assembly.

**Article 40:** (1) The General Assembly may validly meet only when at least the majority of its members are present or represented.

(2) The General Assembly shall take decisions by secret ballot of the 2/3 majority of members present or represented during the first round, or failing that, by a simple majority during the second round.

(3) Bailiffs under disciplinary suspension or who are not up to date with their dues shall not take part in voting and deliberations.

**ARTICLE 41:** (1) The Steering Committee shall be elected by list system for a three (3) year term, renewable once.

(2) The Steering Committee shall comprise eleven (11) members as follows:

- a Chairperson;
- two Vice-Chairpersons;
- a Secretary-General;
- one Deputy Secretary-General;
- a Treasurer;
- an Assistant Treasurer;
- two Accounting Officers;
- two Advisers.

(3) Any Bailiff with seniority of at least five (5) years, may be elected a member of the Executive Committee.

(4) The Chairperson of the Steering Committee shall ex-officio be the President of the General Assembly.

**Article 42:** (1) The Steering Committee shall administer the National Chamber of Bailiffs. It shall be presided over by its Chair who shall represent the Chamber in acts of civil life

(2) The duties of the Steering Committee shall be to:

- a) see to respect for the principles of probity, selflessness, moderation on which the Chamber as well as practice of the profession of Bailiff are based;
- b) manage the assets of the Chamber and ensure strict compliance with Article 28 of this Decree on insurance policy subscription;
- c) authorize the Chair of the Steering Committee to go to law, accept all gifts and legacies handed to the Chamber, compromise, approve all liens or mortgages, and contract all loans;
- d) in general, hear all issues related to the profession of Bailiff and the smooth functioning of the Chamber.

(3) In respect of the powers referred to in paragraph 2 above, members of the Steering Committee of the Chamber shall be jointly and severally liable in their management before the General Assembly.

(4) Any member of the Chamber may refer decisions of the Steering Committee before the relevant court of the headquarters of the National Chamber of Bailiffs.

## **CHAPTER VIII**

### **DISCIPLINE OF BAILIFFS**

**Article 43:** (1) Bailiffs shall practise under the guidance and supervision of the Legal Officers and the Ministry in charge of justice.

(2) In case of disciplinary action against Bailiffs, the Legal Department of the Courts of Appeal and the Minister in charge of justice shall have disciplinary powers. The latter shall obtain the advisory opinion of the National Chamber of Bailiffs or the Regional Chamber of Bailiffs.

**Article 44:** Any breach of duty by a Bailiff, in particular any gross professional misconduct, any breach of honour, honesty, due respect for authorities or dignity, shall constitute a disciplinary offence.

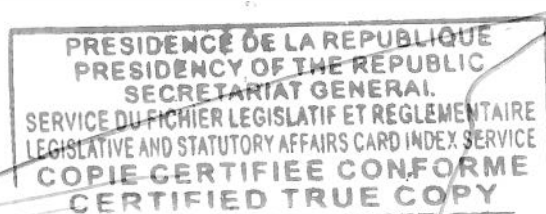
**Article 45:** (1) Bailiffs and Trainee Bailiffs shall be liable to disciplinary action, destitution or removal from trainee list and payment of damages if they:

- a) make themselves winning bidders, even indirectly, for items which they are responsible for selling, or accept the acquisition of such items by the persons referred to in Article 46 below;
- b) make themselves the concessionaire of rights or actions in disputes within the jurisdiction of the court where they practice;
- c) accept the management of industrial or commercial businesses and also if they trade, even through an intermediary;
- d) keep the sums collected on behalf of their clients in their possession for more than fifteen (15) days. To this end, the costs of transferring such sums shall be borne by the clients; any sum which, upon expiry of such period, has not been remitted to the rightful claimants, shall be paid by the Bailiff to the Deposits and Consignments Fund.

(2) The prohibitions stipulated in paragraph 1 above shall also apply to Sworn Clerks.

**Article 46:** Bailiffs may not act in proceedings concerning themselves, or in those concerning their spouses, their ascendants and descendants, their collaterals and their uncles and aunts, the descendants of the latter, the relatives of their relations by marriage to the same degrees.

**Article 47:** (1) Bailiffs shall be liable to the following sanctions:



- call to order
- reprimand
- suspension;
- automatic replacement;
- dismissal.

(2) A call to order shall refer to a warning issued to the Bailiff instructing him to fulfil his professional or ethical obligations.

(3) A reprimand shall refer to the reproach made to the Bailiff against whom grievances are raised regarding his practice and his conduct.

(4) Suspension shall imply a temporary cessation of activities by the offending Bailiff. The duration of such suspension shall be decided by the Minister in charge of justice. It may not exceed two (2) years.

(5) automatic replacement shall be applicable to a Bailiff who does not actually reside at the place of his appointment.

(6) Dismissal shall mean loss of the status of Bailiff.

**Article 48:** The offending Trainee shall be liable to one of the following disciplinary sanctions:

- call to order
- reprimand
- extension of traineeship by one (1) year;
- removal from trainee list.

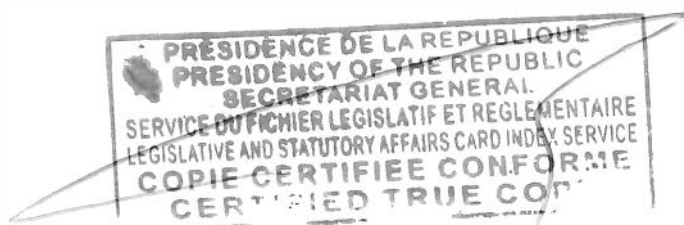
**Article 49:** An offending Sworn Clerk shall be liable to one of the following disciplinary sanctions:

- call to order
- reprimand
- removal from list of Sworn Clerks.

**Article 50:** (1) The Procureur General may, after hearing the interested parties, issue a call to order and a reprimand to trainees or sworn Clerks within his jurisdiction, after seeking the opinion of the Regional Chamber of Bailiffs.

(2) The Minister in charge of justice may, based on the report of the Procureur General, and after seeking the opinion of the National or Regional Chambers of Bailiffs, automatically or upon complaint of the parties, sentence the Bailiff or trainee, after the latter has been heard by him or on his orders. Such sentence shall be added to the sanctions provided for in paragraph (1) above, to wit suspension and extension of traineeship respectively.

(3) Suspension or extension of traineeship shall be pronounced by order of the Minister in charge of justice. Enforcement of the sanction shall be ascertained by the competent State Counsel.



**Article 51:** (1) For sanctions consisting of dismissal or removal from trainee list, the Minister in charge of justice, shall, automatically or on complaint of the parties, first refer the matter to the General Assembly of the Court of Appeal to which the Bailiff or Trainee concerned belongs, along with two (2) Bailiffs from the Steering Committee of the jurisdiction of the Court of Appeal, for an opinion.

(2) The Court of Appeal may validly deliberate only with the participation of at least one of the Bailiffs referred to in paragraph (1) above, under pain of nullity of the opinion.

(3) The Bailiff being prosecuted shall be required to appear in person. He may be assisted by a colleague or a lawyer of his choice. Should the Bailiff who has been duly summoned fail to appear, the case shall be dismissed, save in cases of force majeure or justified impediment.

(4) The Court of Appeal shall issue its opinion within one month of referral.

(5) Removal from Trainee list shall be pronounced by Order of the Minister in charge of justice and dismissal by Decree of the President of the Republic.

**Article 52:** (1) Pending the outcome of the procedure for removal from the list or dismissal initiated against a Trainee or Bailiff who is temporarily detained, the Minister in charge of justice may, by order, pronounce his temporary suspension.

(2) Subject to withdrawal, order shall be enforceable until the disciplinary or criminal decision on the merits.

**Article 53:** (1) Concerning the offenses committed or established at the hearing, the Courts and Tribunals may pronounce a call to order or a reprimand. They may suspend the Bailiff for a maximum period of three (3) months. Such sanctions may be pronounced forthwith, following explanations by the Bailiff and at the behest of the Legal Department.

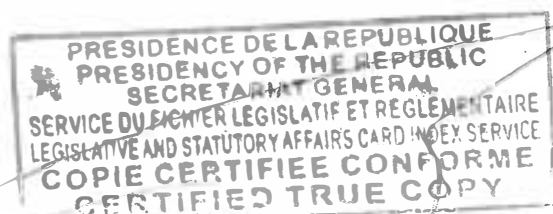
(2) The decision of the Tribunal may be appealed; in such case, the appeal shall not have suspensive effect. There shall be no appeal against the decision of the Court of Appeal.

## **CHAPTER IX**

### **TERMINATION OF THE DUTIES OF A BAILIFF**

**Article 54:**(1) The duties of a Bailiff shall cease through:

- resignation;
- dismissal;
- retirement;
- duly established incapacity;
- death.



(2) The duties of a Bailiff who has reached the age of sixty-five (65) shall be terminated by decree of the President of the Republic.

(3) Notwithstanding the provisions of Sub-Section (2) above, the President of the Republic may ex officio, for service imperatives or at the request of the interested party, grant an extension of two (2) years, renewable once, to a Bailiff who has reached the age limit.

**Article 55:** (1) In case of cessation of duties of a Bailiff, the State Counsel shall forthwith affix seals on the premises of the Chambers.

(2) The Minister in charge of justice shall appoint by order, for a period of six (6) months, renewable once, a liquidator chosen from among the Trainee Bailiffs holding a Training Certificate or, from among the Trainee Bailiffs or Bailiffs of the jurisdiction. However, the opinion of the Bailiff shall be required in case of resignation.

(3) The role of the liquidator shall consist in:

- realizing assets;
- discharging liabilities;
- handing over to the Bailiff or rightful claimants what may remain of the assets following discharge of liabilities.

(4) Under penalty of removal from traineeship list or dismissal, the liquidator may not perform any further acts.

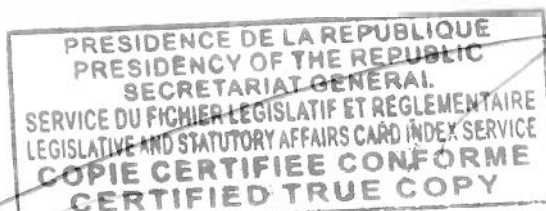
(5) Upon concluding his assignment, the liquidator shall send a liquidation report to the Minister in charge of justice showing explicitly the outcome of its operations. Such report must contain information concerning in particular the following:

- appointment instrument;
- notification and delivery of the said instrument;
- activity assumption report;
- inventory of files and working materials;
- accounting;
- staff situation;
- client accounts.

(6) The terms of remuneration of the liquidator shall be laid down by the Internal Regulations.

**Article 56:** (1) A Bailiff who has performed his duties with honour and probity for fifteen (15) consecutive years may, following termination of his duties, obtain the title of Honorary Bailiff.

(2) Such title shall be conferred by order of the Minister in charge of Justice, on the proposal of the State Counsel and upon recommendation of the Court of Appeal and the General Assembly of the National Chamber of Bailiffs.





(3) Honorary Bailiffs shall continue to enjoy the honours and privileges attached to their status. They may attend, in suits, the formal hearings of the Courts and Tribunals.

## **CHAPTER X**

### **PROFESSIONAL PARTNERSHIPS**

#### **I- CONDITIONS OF FORMATION AND FUNCTIONING**

**Article 57:** (1) The profession of Bailiff may also be practised jointly in the form of a professional partnership, hereinafter referred to as PP.

(2) Two forms of PP are hereby established:

a) A PP bearing a Bailiff office composed of Bailiffs who have resigned from their respective offices.

b) a PP not bearing a Bailiff office or nominal partnership, composed of Bailiffs of the same jurisdiction, who keep their individual offices, but who undertake to share the liabilities linked to the operation of their respective Chambers.

**Article 58:** (1) Regardless of the form, the application for incorporation of a PP shall be collective.

(2) No PP may operate until the Competent Authority makes a statutory instrument declaring its operation.

(3) No PP may be established in a jurisdiction with fewer than three (3) offices.

(4) The PP shall be headquartered in accordance with Article 3 (1) of this Decree.

(5) No one may be a member of more than one PP.

(6) The PP shall be liable for the professional acts of each of its members.

(7) Members of a PP shall take out an insurance policy covering their professional liability on an individual and collective basis. Also, in the sphere that binds them, be bound by the obligation of mutual information.

(8) The rights of a PP member may be terminated only in favour of a person qualified to be a member of the PP concerned. It shall be authorised by decree of the President of the Republic for a Bailiff and by order of the Minister in charge of justice for a non-office-bearing PP.

(9) The form of the Professional Partnership shall appear beside the name in all correspondence and in all documents from the Professional Partnership.



(10) The establishment of a Professional Partnership shall be made public by submission of the deed of establishment to the Registry of the Court of Appeal with territorial jurisdiction and through publication or insertion in a legal notices newspaper.

(11) The By-laws of the National Chamber of Bailiffs shall lay down all the terms and conditions governing the organization, operation and dissolution regime of Professional Partnerships.

## **II- OFFICE –BEARING PROFESSIONAL PARTNERSHIP**

**Article 59:** (1) All the obligations and restrictions prescribed to Bailiffs that are natural persons shall apply to office - bearing Professional Partnerships.

(2) The offices from which the Bailiffs resign to form an office-bearing Professional Partnership shall be vacant. The liquidator, who cannot be either the resigner or any other member of the Professional Partnership, shall be appointed in accordance with the provisions of Article 55 paragraph (2) of this decree.

(3) No person may practice both individually and through the office-bearing Professional Partnership.

(4) In the event where the same Professional Partnership is established by several Bailiffs who resign from their respective offices for an office borne by one of them, such office shall be granted to the Professional Partnership.

(5) Bailiff offices shall be granted to Professional Partnerships by decree of the President of the Republic on the recommendation of the Minister of in charge of justice.

(6) The office-bearing Professional Partnership may not draw up deeds where one of its members, relatives or relations by marriage of the latter to the degree prohibited in Article 46 above, is party or concerned. The members of such a Professional Partnership may not together draw up a deed requiring the assistance of 2 (two) Bailiffs bearing separate offices.

(7) The members of an office-bearing Professional Partnership shall keep a single account and shall all be equally custodians and liable for copies of the deeds they have served. However, steps shall be taken to individualize the entries made by each person every time.

**Article 60:** (1) The grant of a Bailiff office to a Professional Partnership shall be subject to review of an application file addressed to the Minister in charge of justice.



(2) The file referred to in paragraph (1) of this Article shall comprise the following:

- a) application stamped at the current rate;
- b) draft of the instrument of establishment of the Professional Partnership including information on the members, resources, terms and conditions of distribution of profits among members, terms and conditions of opening corporate accounts, allocation key for distribution of expenses and rules relating to civil liability of the members;
- c) tax returns filed by aspiring members of the Professional Partnership during the 5 (five) years preceding the application for incorporation of the Professional Partnership in 2 (two) copies; where applicable, the tax returns of the applicants concerned relating to the actual duration of service where this is less than 5 (five) years;
- d) 2 (two) copies of the statement of income of each member.

### **III- NON-OFFICE- BEARING PROFESSIONAL PARTNERSHIP**

**Article 61:** (1) The establishment of a non-office-bearing Professional Partnership shall be authorized by order of the Minister in charge of justice, upon the recommendation of the National Chamber of Bailiffs.

(2) The file relating to the formation of such a Professional Partnership shall be the same as that referred to in paragraph (2) of Article 60 above.

(3) Non-office-bearing Professional Partnerships may not perform the acts provided for under Article 2 of this decree.

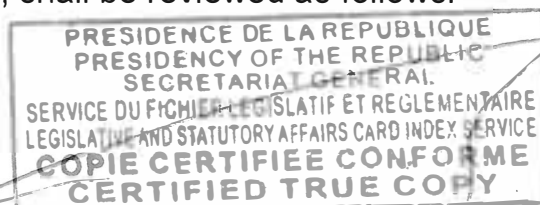
(4) Any writ drawn up by a non-office-bearing Professional Partnership shall be null and void. In addition, the Professional Partnership shall be liable to dissolution and its members to disciplinary sanctions, without prejudice to criminal proceedings.

(5) The members of a non-office-bearing Professional Partnership shall use a single accounting system only in the spheres which unite them and which are specified in the statutes of the partnership.

(6) The members of the non-office-bearing Professional Partnership shall take out an insurance policy covering their professional civil liability, individually and collectively.

### **IV- REVIEW OF THE PROFESSIONAL PARTNERSHIP FILE**

**Article 62:** The file relating to the establishment of the Professional Partnership shall, regardless of its form, shall be reviewed as follows:



- a) the Minister in charge of justice shall forward to the Steering Committee of the National Chamber of Bailiffs, the file referred to in Article 60 above, for review;
- b) the appraisal of the Steering Committee of the Chamber shall concern the personality and professional credentials of the applying members. The Steering Committee of the Chamber shall transmit the file, together with their reasoned opinion, to the Procureur General within thirty (30) days of its receipt;
- c) within thirty (30) days of its receipt, the Procureur General shall forward the said file, with his opinion, to the Minister in charge of justice who shall issue an order for the establishment of the non-office-bearing Professional Partnership. For the Professional Partnership with a Bailiff office, the Minister in charge of justice shall issue an opinion which he shall transmit together with the file to the Presidency of the Republic.

#### **V- DISCIPLINE OF PROFESSIONAL PARTNERSHIP MEMBERS**

**Article 63:** Disciplinary liability shall be personal. The rules relating to discipline shall not apply to PPs.

**Article 64:** (1) Any PP member who is suspended from his duties may not, during the period of the sanction, practise his professional activity. He shall maintain his membership with all the attendant obligations.

(2) Any Partnership member who has been suspended for three (3) months or more shall not be entitled to any benefits resulting from the operation of the Partnership and may be required, by unanimous vote of the other members, to resign from the Partnership. In such case, and pursuant to Article 58 paragraph (8) of this Decree, his rights shall be transferred giving priority to the other members.

(3) The dismissed Bailiff shall be deprived of his membership in the Partnership.

(4) He shall cease to exercise his professional activity upon being notified of the decree ordering his dismissal.

#### **PART VI**

#### **DISSOLUTION AND LIQUIDATION OF A PROFESSIONAL PARTNERSHIP**

**Article 65:** A PP shall be dissolved:

- (1) automatically, in the event of:



- a) dismissal or death of all its members;
  - b) dismissal, death or withdrawal of one of the parties if it comprises only two (2) members;
  - c) successive or collective withdrawal of all its members;
- (2) voluntarily, due to expiry of the contract term or for any other reason deemed valid by members of the Partnership.

**Article 66:** (1) The dissolution of an office-bearing PP shall be pronounced by decree of the President of the Republic.

(2) The decree referred to in paragraph (1) above shall also order the liquidation of the Partnership.

(3) A copy of the decree declaring the dissolution of the PP shall be transmitted to the Legal Department, to be kept in the file opened at the Registry of the Court of Appeals of the jurisdiction, another one for notification to the interested parties, and the third to the National Chamber of Bailiffs, for information. A copy of the decree shall be sent to the Legal Department for the immediate affixing of seals on the premises of the PP.

(4) Upon dissolution of the PP, the Minister in charge of justice shall appoint a liquidator pursuant to the provisions of Article 55 of this decree.

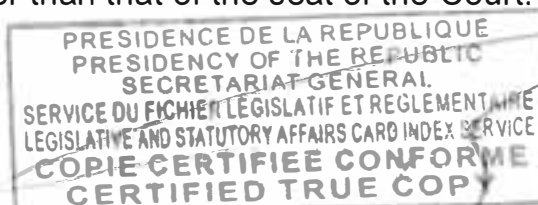
**Article 67:** The dissolution of a non-office-bearing Private Partnership shall be pronounced by order of the Minister in charge of justice. It shall be carried out in accordance with Article 55 of the decree.

**Article 68:** The members of an office-bearing Private Partnership may apply for another office after the liquidation formalities, save in the case of permanent cessation of services.

## **CHAPTER XI** **ENFORCEMENT AGENTS**

**Article 69:** (1) Whenever and wherever necessary and in particular at the seat of a Court of First Instance where there is no Bailiff, the duties of the Bailiff shall be carried out by Enforcement Agents appointed after the opinion of the competent Procureur General, by order of the Minister in charge of justice.

(2) The duty of the Enforcement Agent shall end on the day a Bailiff is sworn in in the locality concerned. However, the newly appointed Bailiff shall exercise his duties concurrently with those of the Enforcement Agents already established in the Subdivisions other than that of the seat of the Court.



**Article 70:** Enforcement agents shall be chosen from among sworn Clerks of Bailiffs or failing that, from among registrars and deputy registrars with at least four (4) years of seniority.

**Article 71:** Enforcement agents shall have the same rights as Bailiffs. However, they shall transfer to the State budget, under the conditions laid down by the instruments on tariffs of Bailiffs, a part of their emoluments.

**Article 72:** (1) Enforcement agents shall be subject to the same rules and obligations as Bailiffs.

(2) However, the Minister in charge of justice may, by decree, after investigation, explanations from the party concerned and the opinion of the Procurer General, relieve an Enforcement Agent of his duties.

**Article 73:** (1) An Enforcement Agent who has reached the age of sixty-five (65) years shall be terminated by order of the Minister in charge of justice.

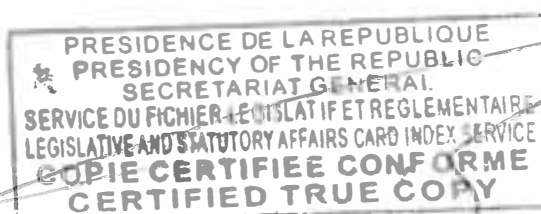
(2) Notwithstanding the provisions of paragraph (1) above, the Minister in charge of justice may, by order, ex officio, for service imperatives or at the request of the person concerned, grant an extension of two (2) years, renewable once, to an Enforcement Agent who has reached the age limit.

## **CHAPTER XII**

### **FINAL PROVISIONS**

**Article 74:** The provisions of Decree No. 79/448 of 5 November 1979 to regulate the functions and lay down the rules and regulations governing Bailiffs and enforcement agents and subsequent amendments thereto, as well as all previous provisions repugnant thereto, are hereby repealed. However, Decree No. 79/448 of 5 November 1979 shall remain applicable, in respect of the conditions of admission to the profession of Bailiff or Enforcement Agent:

- a) to Bailiffs and Enforcement Agents in office at the date of entry into force of this decree.
- b) to trainees who have passed the end of traineeship examination, but are not yet Bailiff office bearers at the date of entry into force of this decree.
- c) to trainees who have taken the oath before the date of entry into force of this decree.



**Article 75:** This decree shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 25 JAN 2023



  
**PAUL BIYA**  
**PRESIDENT OF THE REPUBLIC**