



Updated on: 10 November 2015

## The Judicial Officer in the World

### SPAIN

Name (singular and plural): **PROCURADOR DE LOS TRIBUNALES / PROCURADORES DE LOS TRIBUNALES**

#### Presentation

##### Generalities

Approx. 9419 judicial officer are appointed.  
All are liberal or self-employed professionals.

##### Training

###### Initial and on-going training of judicial officers

To become a judicial officer, the following level is required: two years of law studies or equivalent (Master 2 or equivalent).

There is an initial training for the future judicial officers.  
This training is normally compulsory. Duration: up to 2 years.  
An on-going training is not available for the judicial officers.

###### On-going training for the staff of judicial officers

On-going training courses are not available for the staff of judicial officers.

##### The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer.

The judicial officers are appointed by the Ministry of justice.

The number of judicial officers is not limited.

A judicial officer can exert his activities within a structure including another or several other judicial officers.

Under a few exceptions, all the judicial officers exert individually.

The profession is represented at national level by: CONSEJO GENERAL DE PROCURADORES DE ESPAÑA.



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## Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Prohibition of service in certain cases (relationship, union, conflict of interest, ...).
- Obligations relating to the professional activities of the judicial officer.
- Conditions of keeping of archives of the judicial office
- Bookkeeping.
- 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 judicial officer. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is submitted to a control of his activities.

## Activities

### 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.
- Arrest of persons according to a court decision.
- 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 an immovable of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Internet forced auction sale of tangible movable goods attached by the judicial officer.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.



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- Forced public auction sale of immovable.

When in charge of enforcement, the judicial officer has access to all available 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.

When serving documents, the judicial officer has access to information to locate and/or search the addressee.

### **Forced public auction sales**

The judicial officer can carry out the forced public auction sale.

### **Voluntary Public Action Sale**

The judicial cannot carry out the voluntary public auction sale of goods.

### **Debt collection**

The judicial officer can exert the activity of debt collecting.

### **Statements of facts**

The judicial officer cannot carry out statements of facts when required by a natural or a legal person and/or on request of a Judge.

### **Sequestration of goods**

The judicial officer cannot exert the activity of sequestration of goods.

### **Legal advice**

The judicial officer can give legal advice.

### **Bankruptcy proceedings**

The judicial officer can exert a professional activity in the field of bankruptcy procedures.

### **Missions entrusted to the judicial officer by a judge**

A judge cannot appoint a judicial officer to carry out a specific mission.

### **Mediation**

The judicial officer can exert the activity of mediation.



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### **Representation of parties in the court**

The judicial officer can represent parties in the court.

### **Drawing up of private deeds and documents**

The judicial officer cannot draw up private deeds and documents for natural and legal persons.

### **Court service**

The judicial officer is not in charge of the court service.

### **Real estate management**

The judicial officer cannot exert the activity of real estate agent.