

Ministry of Justice of Georgia
Decree # 140
July 21, 2009
Tbilisi, Georgia

On Monitoring the Operation of a Private Bailiff and Adopting the Rule for Placing the Responsibility to a Private Bailiff's Routine of NBE

In accordance with Article 14¹⁶ of the 'Law of Georgia on Enforcement Proceedings', I order:

1. An enclosed order on monitoring the operation of a private bailiff and adopting the rule for placing the responsibility to a private bailiff's routine of NBE shall be approved.
2. This decree shall enter into force upon its promulgation.

Z. Adeishvili

Amendments introduced to the decree:

1. Decree #13 of the Ministry of Justice of Georgia, dates as of January 17, 2011 – website, 17.01.2011
2. Decree #61 of the Ministry of Justice of Georgia, dates as of May 11, 2012 – website, 11.05.2012
3. Decree #91 of the Ministry of Justice of Georgia, dates as of June 6, 2012 - website, 06.06.2012

The Rule for Monitoring the Operation of a Private Bailiff and Adopting the Rule for Placing the Responsibility to a Private Bailiff's Routine of NBE

Article 1. The Scope of the Rule

This rule defines the bases and measures of a private bailiff's liability, monitoring of operation of a private bailiff and the core principles and procedures for placing the responsibility to a private bailiff.

Article 2. The Basis of a Private Bailiff's Liability

Based on this rule, legal responsibility may be placed to a private bailiff in the cases provided by the sub-paragraphs "g" and "h" of Article 14¹⁴ of the "Law of Georgia on Enforcement Proceedings".

Article 3. Measures of Liability of a Private Bailiff

As a measure of liability in cases of this rule prescribed by Article 2, a warning or termination of a license for enforcement proceedings may be used towards the private bailiff.

Decree #61 of the Ministry of Justice of Georgia, dates as of May 11, 2012 – website, 11.05.2012

Article 4. Monitoring the Operation of a Private Bailiff and the Implementing Body

1. According to this rule, monitoring of a private bailiff's operation is carried out by the General Inspection of the Ministry of Justice of Georgia (later –General Inspection) on the bases of statements, complaints or notifications received from persons, as well as based on the information received from any other sources.

2. For the purpose to learn and recheck the information received from a statement, complaint and notification, a bailiff is obliged to declare and provide the relevant explanation immediately upon the request from the General Inspection and present the requested materials. Violation of this requirement by a private bailiff (failure to meet the requirements in time), if this case is prescribed by the sub-paragraph “g” of Article 14¹⁴ of the “Law of Georgia on Enforcement Proceedings”, may become the basis for placing the responsibility to a private bailiff.

Decree #13 of the Ministry of Justice of Georgia, dates as of January 17, 2011 – website, 17.01.2011

Decree #61 of the Ministry of Justice of Georgia, dates as of May 11, 2012 – website, 11.05.2012

Article 5. Conclusion of the Implementing Body on Monitoring the Operation of a Private Bailiff and Placing the Responsibility to a Private Bailiff

1. The General Inspection, within a month's period of time, will represent the well-founded conclusion to the relevant office of the legal entity of public law – National Bureau of Enforcement under the Ministry of Justice of Georgia (later- National Bureau of Enforcement) regarding the advisability of placing the responsibility to a private bailiff as a result of the study of represented materials: statement, complaint, notification, as well as information received from any other sources. In case of necessity the Head of the General Inspection is entitled to increase the discussion period of time for the received information up to 3 months.

2. The relevant office of the National Bureau of Enforcement within 5 working days since the submission of the conclusion from the General Inspection discusses the issue regarding the advisability of placing the responsibility to a private bailiff, considers confirmed the existence of the stipulated cases under the sub-paragraphs “g” and “h” of Article 14¹⁴ the “Law of Georgia on Enforcement Proceedings” and makes a decision regarding the placing responsibility to a private bailiff , or does not consider confirmed the existence of the stipulated cases under the sub-paragraphs “g” and “h” of Article 14¹⁴ the “Law of Georgia on Enforcement Proceedings” and therefore issues an individual administrative-legal act about it.

3. The copy of the decision regarding the placing responsibility to a private bailiff is sent to the private bailiff.

Decree #13 of the Ministry of Justice of Georgia, dates as of January 17, 2011 – website, 17.01.2011

Decree #61 of the Ministry of Justice of Georgia, dates as of May 11, 2012 – website, 11.05.2012

Decree #91 of the Ministry of Justice of Georgia, dates as of June 6, 2012 - website, 06.06.2012

Article 6. Selecting a Private Bailiff's Liability Measure

1. National Bureau of Enforcement while selecting a measure for a private bailiff's liability takes into consideration the contents and severity of the violation, a private bailiff's business and moral reputation.

2. Within a year since receiving the warning by a private bailiff in case of committing a violation according to the rule prescribed in Article 2, license revocation for enforcement activities may be used against him as an only liability measure.

Decree #61 of the Ministry of Justice of Georgia, dates as of May 11, 2012 – website, 11.05.2012

Decree #91 of the Ministry of Justice of Georgia, dates as of June 6, 2012 - website, 06.06.2012

Article 7. Terms for Placing the Responsibility to a Private Bailiff

No liability will be imposed to a private bailiff prescribed by this rule, if three years have passed since the day of committing the relevant violation.

Article 8. Appealing against a Decision

A decision of the National Bureau of Enforcement regarding the placing responsibility to a private bailiff may be appealed by the private bailiff according to the rule of the Georgian law.

Decree #61 of the Ministry of Justice of Georgia, dates as of May 11, 2012 – website, 11.05.2012

Decree #91 of the Ministry of Justice of Georgia, dates as of June 6, 2012 - website, 06.06.2012