

Draft Law

On

Bailiff

(Version 1)



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Chapter 1
General Provisions

Article 1.- Goal of this law

The goal of this law is to define the organization and functioning of bailiffs of the Kingdom of Cambodia in order to apply the Code of Civil Procedure and other relevant laws highly effectively.

Article 2. Purpose of this law

The purpose of this law is to set forth the position, appointment, dismissal, and execution of duties, fees and other matters concerning bailiffs.

Article 3.- Scope of this law

The scope of this law is to cover bailiff profession of the Kingdom of Cambodia

Chapter 2

Position, Appointment, Assignment and Supervision of the Execution of the Duties of Bailiffs

Article 4.- Duties, Position and Place of Work

- 1- A bailiff shall be a public servant attached to the Ministry of Justice.
- 2- A bailiff shall work at the court of first instance designated by the Minister of Justice.
- 3-. A bailiff shall perform the following affairs:
 - a- Affairs defined by the Code of Civil Procedure or other laws to be those of a bailiff.
 - b- Affairs concerning the custody and management of property and other related measures decided by a court to be those of a bailiff.

<Note>

1. The following are the functions to be performed by bailiffs that are defined in the Code of Civil Procedure of Cambodia:
 - Execution of service (Article 246)
 - Provision of assistance at the request of persons who perform compulsory execution (Article 338, paragraph 2)
 - Issuance of certified copies of court records, etc. (Article 378, paragraph 2)
 - Execution against movables (Book Six, Chapter Two, Section II)
 - Execution of sales (Article 413, Article 436, paragraph 3 and Article 469, paragraph 2)
 - Reception and sale of subject matter for right to demand delivery of movables (Article 414)
 - Execution of preservative disposition (Article 429)
 - Confiscation of a certificate of ship registration etc. (Articles 459 and 568)
 - Execution of the delivery of immovable, etc. (Article 524)
 - Execution of the delivery of movables (Article 525)
 - Execution of provisional attachment against movables (Article 565)
2. In addition to the items listed above, bailiffs may carry out the following functions in individual cases:
 - Function of a vessel custodian (Article 460)
 - Execution based on authorization of substituted execution (Article 527)
 - Custody and other measures concerning the subject matter based on a decision made for provisional disposition (Article 549. These measures include the issuance of a public notice in Article 571.)

Article 5.- Fees

- 1- A bailiff shall receive fees for the execution of the assigned duties.
- 2- If the amount of the annual fees that a bailiff receives in a given year is less than the minimum amount specified in the Government Ordinance, the bailiff shall be entitled to receive the difference from the government.

<Note>

- Cf. Article 62 of Japan's Court Organization Law and Article 21 of its Bailiff Law

Article 6.- Appointment and Qualifications

Bailiffs shall be appointed by the Ministerial Ordinance of Ministry of Justice after the examination, from among following persons:

- (a) Persons who have been granted a certificate for bailiff professions from Royal Academy of Judicial Professions.
- (b) Persons who have at least 5 years of experience as a judge, public prosecutor or lawyer.
- (c) Persons who have at least 10 years of experience as a court clerk.

<Note>

- Cf. Article 1 of Japan's Rules on Bailiffs

Article 7 Selection

The procedure and selection criteria set forth in Article 6 (Appointment and Qualifications) shall be prescribed by Ministerial Ordinance of Ministry of Justice..

<Note>

- Cf. Article 2 of Japan's Rules on Bailiffs

Article 8.- Supervision of the Execution of Duties

1. A bailiff shall be subject to the supervision of the court of first instance regarding the execution of the assigned duties.
2. The director of the court of first instance or the judge designated by the director of the court of first instance may take the following actions regarding the execution of the duties of a bailiff:
 - (i) Investigate records and books made by, and money in the custody of, the bailiff, and order the bailiff to submit them for investigation purposes.
 - (ii) Witness and supervise the execution of the bailiff's duties.
 - (iii) Order the bailiff to submit the report regarding certain matters.
 - (iv) Give direction to the bailiff regarding the manner in which the assigned functions are to be performed and the attitude towards the work.
3. In the event that any of the actions set forth in paragraph 2 herein are taken, the director of the court of first instance shall report to the Minister of Justice regarding the contents of the action together with any opinions of a judge or the director of the court who take the actions.

<Note>

- Cf. Articles 4 and 5 of Japan's Rules on Bailiffs
- Although bailiffs are employed by the Ministry of Justice, they work at the courts of first instance and their main duties involve the proceedings regarding litigation and enforcement actions within the scope of the courts of first instance. With this in mind, paragraph 1 of this Article provides for the obligations of the bailiffs to be supervised by the courts of first instance with respect to the actual execution of their duties, and paragraph 2 lists specific supervisory actions to be taken by the directors of the courts of first instance or by their designated judges.

However; the supervisory power and punishment of misbehavior of the bailiff shall be made by Minister of Justice who has the authority to nominate the bailiff, with full knowledge of the situation of the performance of the bailiff. Paragraph 3 of this Article aims for the above mentioned purpose.

- The specific wording of this Article should be either modeled after or the same as that of the Court Clerk Law of Cambodia.

Chapter 3 Execution of Duties

Article 9.- Jurisdiction of the Execution of Duties

1. A bailiff shall carry out the assigned duties within the jurisdiction of the court of first instance to which the bailiff belongs. However, a bailiff may perform the assigned duties beyond this jurisdiction if a court approves this.
2. Approval prescribed in the sentence 2 of the preceding paragraph 1 shall be granted by execution court if the bailiff performs the duties according to the order of the execution court. Approval in cases other than this shall be granted by director of court of first instance to which the bailiff belongs.
3. Cases where court may grant approval according to the sentence 2 of paragraph 1 herein shall be limited to the following:
 - (i) Cases where the several movables to be attached simultaneously are located partly inside and partly outside of the jurisdiction of the court of first instance to which the bailiff belongs;
 - (ii) Cases where the several movables to be provisionally attached simultaneously are located partly inside and partly outside of the jurisdiction of the court of first instance to which the bailiff belongs;
 - (iii) Cases where the compulsory execution of the delivery of several movables is simultaneously conducted, such several movables are located partly inside and partly outside of the jurisdiction of the court of first instance to which the bailiff belongs;
 - (iv) Cases where the execution of provisional disposition for the delivery of several movables is simultaneously conducted, such several movables are located partly inside and partly outside of the jurisdiction of the court of first instance to which the bailiff belongs;
 - (v) Cases where there is special necessity to store the attached property;
 - (vi) Cases where there is special necessity to store the provisionally attached property;
 - (vii) Cases where there is special necessity to store the property which is the object of provisional disposition;
 - (viii) Cases where there is necessity to take back the attached movables in cases where such movables turned out to be in the location outside of the jurisdiction of the court of first instance to which the bailiff who effected the attachment belongs;
 - (ix) Cases where there is necessity to take back the provisionally attached movables in cases where such movables turned out to be in the location outside of the jurisdiction of the court of first instance to which the bailiff who effected the provisional attachment belongs;
 - (x) Cases where there is necessity to take back the movables which are the object of provisional disposition in cases where such movables turned out to be in the location outside of the jurisdiction of the court of first instance to which the bailiff who executed the provisional disposition belongs;
 - (xi) Cases where the compulsory execution of the delivery is conducted for immovables, vessels in which human being reside, or other things which are located inside and outside of the jurisdiction of the court of first instance to which the bailiff belongs;
 - (xii) Cases where execution of provisional disposition for the delivery is conducted for immovables, vessels in which human being reside, or other things which are located partly inside and partly outside of the jurisdiction of the court of first instance to which the bailiff

belongs;

- (xiii) Other than the case stipulated in each of above item, cases where there is necessity for the bailiff to carry out duties outside the jurisdiction of the court of first instance to which the bailiff belongs.

<Note>

This Article is equivalent to Article 4 of Japan's Bailiff Law.

This provision aims to define the territorial jurisdiction concerning the execution of a bailiff's duties. Any motion is required to be filed with a bailiff who works at the court of first instance with jurisdiction over the place where the function in question is to be performed, which ultimately defines the territorial jurisdiction over the scope of the duties to be executed by that bailiff.

If a given function concerning the motion in question needs to be performed outside the territorial jurisdiction in which the bailiff operates, the bailiff should dismiss such a motion as being unlawful. In addition, if a bailiff has been directly ordered by a court to perform a function that is out of the territorial jurisdiction related to the assigned duties, the bailiff should notify the court of this fact. Although it is unlawful for a bailiff to perform any assigned duty beyond the territorial jurisdiction in which the bailiff operates against this article, this does not mean that its effect is automatically null and void, but means that it may be cancelled by an objection or motion objection raised against its execution.

Japan's Bailiff Law prohibits bailiffs from performing their duties beyond their territorial jurisdiction "unless otherwise provided for by other laws." Conversely, in Japan, bailiffs are allowed to perform the assigned duties beyond their territorial jurisdiction only if there is a need to investigate the status of an immovable (Article 28 of Japan's Rules of Civil Execution), if several movables to be attached concurrently are located in a particular place, part of which lies within the territorial jurisdiction of the District Court that the bailiff belongs to and the rest of which lies beyond it (Article 101 of Japan's Rules of Civil Execution), if there is a special need to do so to ensure the custody of the attached property (Article 104, paragraph 5 of Japan's Rules of Civil Execution), and in other limited cases.

Article 10.- Deputies and Assistants to a Bailiff

1. A bailiff shall perform the assigned duties independently, provided, however, that in the case of execution of service in accordance with paragraph 3 of Article 246 (principle of service on court's authority, etc.) of the Code of Civil Procedure, if there is a particular reason that these functions related to effecting the service cannot be carried out by the bailiff alone, the bailiff may have a deputy perform such duties instead, after obtaining approval from the director of the court of first instance to which the bailiff belongs.
2. A bailiff may employ a technician or a laborer if it is necessary to do so for the purpose of the execution of the assigned functions.
3. A bailiff may employ an assistant with the approval from the director of the court of first instance to which the bailiff belongs to if it is necessary to do so for the purpose of the execution of the bailiff's functions.
4. The director of the court of first instance may at any time withdraw the approval referred to the sentence 1 of paragraph 1 and paragraph 3 herein.

<Note>

This Article is equivalent to Japan's Bailiff Law Supplementary Provisions, Article 11, paragraph 1, and the Japan's Rules on Bailiffs, Article 12.

Bailiffs basically must carry out all of their duties on their own (main body of paragraph 1, Principle of Self-Execution). Exceptionally, however, they are allowed to have (1) deputies (proviso of paragraph 1), (2) technicians and laborers (paragraph 2) or (3) assistants (paragraph 3) execute their duties. (Article 11 (Assistance for Duties) is also an exception to this principle.)

A deputy referred to herein means a person who acts for a bailiff and carries out the duties of

the bailiff. Unlike the previous law, the current Bailiff Law of Japan prohibits bailiffs from using permanent deputies (Deputy Bailiffs) in performing their duties and only allows them to use temporary deputies in exceptional cases (Cf. Supplementary Provisions of Japan's Bailiff Law, Article 11), with the aim of improving the quality of bailiffs and clarifying their status as public servants. In Cambodia, however, bailiffs should be allowed to use deputies under strict conditions (obtaining the approval of the presiding judge and existence of a particular reason that these functions cannot be carried by the bailiff) as a total ban on such a deputy system would make it difficult for the country to secure a sufficient number of bailiffs. In order to prevent a bailiff from improperly extending the scope of a bailiff's right to use a deputy, the director of the court may at any time withdraw the approval given to the bailiff (paragraph 4).

Bailiffs are allowed to use technicians and laborers. For example, they may seek assistance from a locksmith when they need to unlock a door or open a container if it is necessary to do so to enforce an adjudication award (Cf. Code of Civil Procedure, Article 385, paragraph 1, etc.), and they may use laborers to demolish a building when they need to execute a demolition order (Cf. Code of Civil Procedure, Article 527, paragraph 1). In these cases, bailiffs do not need to obtain the approval of the director of the court; as such acts are an inherent part of their duties. The cost of the bailiff's use of a technician or a laborer is considered to be included in the cost of executing the adjudication award.

An "assistant" as referred to in this Article is a person who assists a bailiff in the execution of the bailiff's duties. Bailiffs may, on their own responsibility, have other persons perform incidental functions (such as the reception of documents, the creation and maintenance of records, etc.) on condition that they exercise due supervision over such persons. In other words, bailiffs are allowed to employ assistants on their own responsibility and supervision in order to carry out such functions (paragraph 3). An assistant is not a member of the staff of the court and is therefore not obliged to be subject to direct supervision by the court. However, considering that they are involved in public duties, they are required to work according to strict work ethics at all times. Hence, it is not appropriate for a court to leave all matters related to the employment of assistants to the sole discretion of a bailiff. Under these circumstances, this Article provides that bailiffs must obtain approval from the presiding judge when using an assistant (paragraph 3), and that a presiding judge may withdraw such approval granted to a bailiff at any time (paragraph 5). If a court has several bailiffs, all of these bailiffs are jointly responsible for the use of assistants.

Article 11.- Court clerk who disposes the Bailiffs' duties

1. The director of the court of first instance may, if there is a special need to do so, appoint in advance a court clerk to carry out the duties of a bailiff and may have the clerk execute all or part of such duties either limiting or without limiting the types of the functions that they are involved in.
2. In the event of an emergency, such as an accident befalling a bailiff, the director of the court of first instance may have a court clerk perform all or part of the duties of the bailiff without giving that court clerk an appointment under paragraph 1 herein.
3. In the cases of paragraphs 1 or 2 herein, the fees and costs of the performance duties to be received by the bailiff shall be treated as state revenues.

<Note>

This Article is equivalent to Japan's Bailiff Law, Article 20 and the Japan's Rules on Bailiffs, Article 6.

The court of first instance may be unable to use a person qualified to perform the duties of a bailiff, for example, if the court does not have a sufficient number of bailiffs to handle the amount of work it has to deal with, or if it is impossible to immediately employ a successor to a deceased bailiff. In these cases, the court of first instance is allowed to have persons other than bailiffs, that is, court clerks, perform the bailiff's duties for a certain period of time (paragraph 1). In addition, the court of first instance may temporarily have court clerks perform the duties of a bailiff in the

event of an emergency involving the bailiff, such as an accident or illness (if there is no other bailiff available who can perform the functions of that bailiff) (paragraph 2).

The director of the court of first instance may have a court clerk perform the duties of a bailiff by giving the clerk in advance an appointment to do so in preparation for a situation in which the bailiff is unable to work, and in an emergency may direct any court clerk to carry out the duties of a bailiff without giving the clerk such an appointment. After being given such an appointment or direction by the director of the court of first instance, the court clerk is entitled to work to perform the functions of a bailiff as an independent executing organ with the same powers and responsibilities as a bailiff, as is allowed for under the related procedural laws. The amount of the salary and travel expenses received by such court clerks from the government is the same as that received by ordinary court clerks. However, it would be unfair if the amount of the costs paid by the party involved in such an action with regard to the duties of a bailiff that were undertaken by a clerk instead were less than the amount that would normally be paid to a bailiff. Thus, if a court clerk carries out the functions of a bailiff, the amount of the fees, travel expenses and other costs to be collected from the party involved in the action is the same as the amount that would be paid to a bailiff, and all such costs that are collected are to be treated as state revenues (paragraph 3).

Article 12.- Assistance from other Bailiffs

1. A bailiff may seek assistance from other bailiffs after obtaining the approval of the director of the court of first instance that the bailiff belongs to if it is especially difficult for the bailiff to carry out the assigned duties independently or if there is a special need to do so when performing these duties.
2. A bailiff shall, if it is not possible to obtain prior approval under paragraph 1 herein due to emergency circumstances, obtain this approval immediately after seeking assistance from other bailiffs.
3. With regard to paragraph 1 herein, each of the bailiffs shall be entitled to independently collect fees and to receive payment or reimbursement for costs incurred in the execution of their duties.

<Note>

This Article is equivalent to Japan's Bailiff Law, Article 19 and Japan's Rules on Bailiffs, Articles 13 and 16.

Bailiffs are singular and independent judicial organs, and execute their assigned duties based upon the personal judgment and responsibility of the individual bailiff, in principle (Principle of Independent Execution). However, there are some special cases in which it is quite difficult for the bailiff to perform the assigned duties independently, for example, if the bailiff executes an order for the vacation of a building with many occupants or a compulsory execution against an organized crime group. In these exceptional circumstances, the bailiff may seek assistance from other bailiffs (paragraph 1).

Any bailiff seeking assistance from other bailiffs must first obtain the approval of the director of the court of first instance where the bailiff works, as doing so is an exception to the Principle of Independent Execution. In principle, the bailiff must obtain this court approval before seeking assistance from other bailiffs. However, if it is impossible for the bailiff to obtain prior approval, for example, in the case of an emergency, retrospective approval is acceptable, on condition that the bailiff applies for this from the court immediately after seeking the assistance of other bailiffs (paragraph 2). If a bailiff is provided with assistance from other bailiffs, each of the assisting bailiffs is entitled to payment from the fees, costs, etc. received by the bailiff concerned (paragraph 3). The director of the court of first instance should thus be careful in granting this approval to a bailiff since the party to the action must pay fees and costs virtually to several bailiffs. If an application for retrospective approval filed by a bailiff has been rejected, the bailiff may collect only the fees and costs related to the duties that were performed personally by this bailiff.

Article 13.- Custody of Money Received During the Course of Duties

1. Any money or articles received or confiscated by a bailiff during the course of performing the assigned duties shall be immediately given to the proper owners or kept by the court of first instance to which the bailiff is attached, unless such money or articles need to be deposited, or unless otherwise stipulated by other laws.
2. If a bailiff has received money or an article from a party or any other person during the course of performing the assigned duties, the bailiff shall provide this person with a receipt and shall record the amount of money or the type, and quantity of articles received, and the date of reception.

<Note>

This Article is equivalent to Japan's Bailiff Law, Article 6 and the Japan's Rules on Bailiffs, Article 14.

Bailiffs often receive money or other articles during the course of their duties and if they are kept for a long period of time an issue may arise as to how to share the cost of their management, or even lead to acts of misappropriation. Thus, all such money or articles received by a bailiff must be held in custody by the court of first instance to which the bailiff is attached, not by the bailiff personally (paragraph 1). Typical examples of the application of this provision are when a bailiff confiscates money or other valuable movables or when a bailiff receives a payment from a debtor who is trying to get back a related attached movable item (Cf. Code of Civil Procedure, Article 384, paragraph 6). However, this provision does not apply, for example, where the attached money is immediately provided to the creditor or where a decision has been made that the attached movable should remain in the custody of the debtor (Cf. Code of Civil Procedure, Article 385, paragraph 4).

Any bailiff who has received money or other articles during the course of the assigned duties must not fail to issue a receipt and must also keep records of the amount of the money received or of the type, quantity, etc. of the articles received (paragraph 2), in order to avoid disputes later. As any case of an attachment involves a creation of protocol, paragraph 2 applies only to non-attachment cases where the bailiff directly receives the money or other articles (for example, where the bailiff voluntarily receives a payment at the time of attachment).

Incidentally, further coordination with Article 4 of the "Draft Law Concerning the Status of Court Clerks (2001)" may be required.

Chapter 4 Implementation of Functions; Motion of Objection

Article 14.- Implementation of Functions

1. A bailiff shall implement the assigned functions in a given case upon the filing of a motion, provided, however, that this shall not apply where the court has a bailiff directly carry out the assigned functions as part of the procedures for a case pending under the court.
2. The distribution of functions by a bailiff shall be determined by the director of the court where the bailiff works, provided, however, that among the functions specified in paragraph 3 (b) of Article 4 (Duties, Position and Place of Work), functions which have been decided by a court to be handled by a specific bailiff shall be performed by that bailiff.

<Note>

Japan's Bailiff Law, Article 2

Paragraph 1 of this Article refers to the process of how a case becomes pending with a bailiff working as a judicial organ, and its main body provides that such pendency takes effect upon a motion filed by a party involved in the case, in principle. Since such a motion is required to be filed with a bailiff as a judicial organ, the issue of which bailiff will handle what functions is an issue of the distribution of functions defined under paragraph 2. The proviso of paragraph 1 is designed to apply to cases where a court has a bailiff perform a function – such as enforcement of a

preservative disposition under the Code of Civil Procedure, Article 429, paragraph 1 or execution of a sale based on the Code of Civil Procedure, Article 436, paragraph 3 – without a motion filed by a party involved in the case.

The main body of paragraph 2 provides that it is the director of each court that determines what functions are carried out by each of its bailiffs, leaving no room for any party involved in the case to freely choose a particular bailiff to handle the case. This provision is aimed at ensuring the neutrality of bailiffs by preventing them from having any suspect relationship with a creditor.

Article 15.- Exclusion from Duties

A bailiff shall be excluded from the execution of duties in the following case:

- (1) If the bailiff or the bailiff's spouse is a party involved in the case or related to a party in the case as a co-creditor or a co-debtor.
- (2) If the bailiff is related to a party in the case up to the sixth degree by blood or the third degree by marriage, or if the bailiff is a relative of and is living with a party in the case.
- (3) If the bailiff is a guardian, the supervisor of a guardian, a curator or supervisor of a curator of a party in the case.
- (4) If the bailiff is a representative of a party in the case with regard to a function to be handled by the bailiff.

<Note>

Japan's Bailiff Law, Article 3; Code of Civil Procedure of Cambodia, Articles 27 and 28

This system, which is similar to that for judges, aims to ensure the neutrality of bailiffs in the execution of their duties. The grounds for the exclusion of a bailiff from duties, which are listed in paragraph 1, are a little different from the grounds for the exclusion of a particular judge from the duties of a judge and apply to more cases since nobody has the right to refuse a bailiff who is in charge of a case. The fact that a bailiff was previously the spouse of or previously a relative by blood or marriage of a party involved in a case does not constitute grounds for the exclusion of the bailiff from any duties in the case. However, if a bailiff is jointly liable together with a party in a case, the bailiff is excluded from any duties in this case.

A party involved in a case may not file a motion for the exclusion of a bailiff who is in charge of that case even if it is deemed that there are grounds for the bailiff to be so excluded, unlike in Article 30 of the Code of Civil Procedure. In such a case, however, the party may ask the court to which the bailiff belongs to exercise supervision over the assigned duties. In addition, if a bailiff has executed the assigned duties in a case, despite there being grounds for being excluded from the case, any party involved in the case may file a motion of objection or an appeal under the Bailiff Law (Article 14).

Article 16.- Measures and etc. when grounds for exclusion exist

1. In cases where grounds stipulated in article 15 herein exist, the party may request the director of the court where the bailiff belongs, to rescind the distribution of the case to that bailiff.
2. In cases where grounds stipulated in article 15 herein exist, the bailiff may recuse him/herself from a case with the permission of the director of the court where the bailiff belongs.

<Note>

This article applies to the case where there is ground for exclusion exist (Article 13). In the case that there is ground for exclusion, but the bailiff insists to perform the duty, a party may ask the court of first instance to which the bailiff belongs to exercise the right of supervision over the assigned duties according to article 6 paragraph 1. If the court of first instance finds that there is ground for exclusion exist, the court may request the director of the court based on the right of supervision to change the assigned case or demands the director to change the distributed case by explaining the relation of the fact directly to the director. When the bailiff has begun to perform the

task with ground for the exclusion, defected, the party can file motion of objection against the execution based on Article 344 paragraph 2 of The Code of Civil Procedure, or Article 15 of this Law.

Besides the above objections, this article allows the party to request directly to the director of the court of first instance who has the authority to decide the duty of the bailiff, or to change the distribution of the task which is the administrative function of the court.

If director of the court received the motion of objection, deems that there is ground for exclusion of the bailiff, the director may exclude the assigned case from that bailiff according to the right of distribution duties, and assigned a new bailiff to take charge of the case based on the Rules of the Case Distribution.

The request of the party is a request in which the director of the court of first instance performs the court administration, thus the distribution (including non-distribution) cannot be objected, and the request by the party has no effecting interruption on the execution.

If the bailiff believed that there are grounds for exclusion from the duties, the bailiff can recuse him/herself from the case assigned with the permission of the court of first instance which has the supervision authority. The purpose of obtaining the permission of the court of first instance is to ensure the neutrality of the decision whether there is existence or non-existence of grounds for exclusion of the bailiff or not.

Article 17.- Motion of Objection

A motion of objection to any action or inaction by a bailiff regarding the calculation of fees and costs and regarding the bailiff's disposition of assigned functions effected upon a motion shall be made in accordance with the example of objection to execution, Article 344, paragraph 2 of the Code of Civil Procedure, unless otherwise stipulated by the same Code.

<Note>

Japan's Bailiff Law, Article 5

A motion of objection to a bailiff's execution of the assigned duties as covered by Article 344, paragraph 2 of the Code of Civil Procedure is handled in accordance with the procedure specified in the same paragraph, and a motion of objection to any execution of the assigned duties not covered by the same paragraph is to be filed with the court of first instance to which the bailiff belongs. The illegality or unlawfulness of a bailiff's execution of assigned duties, such as the calculation of fees and costs, constitutes grounds for filing a motion of objection.

A motion of objection to a disposition executed by a bailiff as a function assigned to the bailiff as specified in the proviso of paragraph 1 of Article 13 (Implementation of Functions) is filed with the court.

Article 18.- Method for Filing a Motion

1. A motion to a bailiff shall be filed in writing, describing the names of the movant and his or her representative and the content of the motion.
2. A motion by a representative of the movant shall be filed together with a document certifying that the representative has the authority to represent the movant.

<Note>

Japan's Bailiff Law, Article 7

Paragraph 1 aims to clarify that a motion with a bailiff must be in writing to ensure accuracy and to define the matters required to be stated in such a written motion. The movant does not need to specify the name of his or her representative if one does not exist.

Article 19.- Priority for the Implementation of Functions

Bailiffs shall implement their assigned functions in order of their reception for each case unless

there are special circumstances that require otherwise.

<Note>

Japan's Rules on Bailiff, Article 9

This provision prohibits bailiffs from determining at their personal discretion what cases should be dealt with first. So a bailiff is not allowed to give priority to a certain claim filed by a certain creditor. The term "special circumstances" herein refers to circumstances where there is an objective urgency for the bailiff, for example, to attach or convert into money a movable that is highly perishable.

Article 20.- Implementation of Functions Beyond Regular Working Hours

A bailiff shall execute the assigned duties outside the regular working hours if the case is an urgent one or if there is a special need to do so.

<Note>

Japan's Rules on Bailiffs, Article 10

Refer to the note for the previous Article for an explanation of the phrase "if the case is an urgent one or if there is a special need to do so."

Article 21.- Identification

A bailiff shall carry identification and produce it upon request by any interested party when executing the assigned duties.

<Note>

Japan's Rules on Bailiffs, Article 11

As their duties may involve the use of force, bailiffs are required to produce identification whenever requested to do so. This Article applies to the execution of duties not covered by Article 341 of the Code of Civil Procedure, such as the delivery of service.

Article 22.- Items to be Included in a Protocol

1. A bailiff shall create a protocol with regard to the execution of the assigned duties.
2. Each protocol to be created by a bailiff shall include the following items and be signed and sealed by that bailiff:
 - (1) Name of the case
 - (2) Date and place of execution of the assigned duty
 - (3) Content of the assigned duty to be executed.
 - (4) Date of creation of the protocol (Day/Month/Year).

<Note>

Japan's Rules on Bailiffs, Article 17

A bailiff must describe in a protocol what duties have been performed in order to ensure their accuracy and fairness.

**Chapter 5
Fees and Costs**

Article 23.- Receipt of Fees

1. A bailiff shall receive a fee for each function listed below:
 - (1) Delivery of a document under Article 246 (Principle of service on court's authority, etc.), paragraph 3 of the Code of Civil Procedure.
 - (2) Provision of assistance under Article 338 (Ensuring performance of duties by bailiffs, etc.), paragraph 2 of the Code of Civil Procedure.

- (3) Permission to inspect a case record, or provision of a copy, authenticated copy, a certified copy or extract copy thereof, or a certificate related to the particulars thereof under Article 378 (Inspection of record of execution case, etc.), paragraph 2 of the Code of Civil Procedure.
 - (4) Execution of attachment or provisional attachment of movables under Article 384 (Commencement of execution against movables), paragraph 3 and Article 565, paragraph 1 of the Code of Civil Procedure.
 - (5) Functions related to the procedure under Article 388(Consolidation of cases), paragraph 1 of the Code of Civil Procedure.
 - (6) Reception of a movable to be converted into money under Article 390(Ruling ordering delivery of attached movables), paragraph 1 of the Code of Civil Procedure.
 - (7) Functions relating to a demand for distribution under Article 394 (Demand for distribution by holder of preferential right, etc.) of the Code of Civil Procedure.
 - (8) Functions relating to a sale or conversion into money under Article 413(Ruling ordering sale), paragraph 1; Article 414(Execution of ruling of attachment of right to demand delivery of movables), paragraph 1; Article 436(Method of sale, etc.), paragraph 3; Article 469(Method of sale, etc.), paragraph 2 or Article 524(Execution of delivery of immovables, etc.), paragraph 6 of the Code of Civil Procedure.
 - (9) Releasing an immovable from a person's possession and retaining it in custody under Article 429(Preservative disposition), paragraph 1 of the Code of Civil Procedure.
 - (10) Expropriation of the certificate of registration, etc. of a vessel under Article 459(Ruling ordering delivery of certificate of registry, etc. prior to motion), paragraph 1 and Article 568(Execution of provisional attachment against vessels), paragraph 1 of the Code of Civil Procedure.
 - (11) Keeping a vessel in custody under Article 460 (Appointment of custodian, etc.) of the Code of Civil Procedure.
 - (12) Releasing an immovable or a vessel in which a person dwells from a debtor's possession and transferring its custody to a creditor under Article 524 (Execution of delivery of immovables, etc.), paragraph 1 of the Code of Civil Procedure.
 - (13) Expropriating a movable from a debtor and delivering it to a creditor under Article 525 (Execution of delivery of movables), paragraph 1 of the Code of Civil Procedure.
 - (14) Execution of a decision for permission under Article 527 (Substituted execution), paragraph 1 of the Code of Civil Procedure.
 - (15) Retaining custody of the subject matter of the provisional disposition and implementing other functions under Article 549 (Method of provisional disposition) of the Code of Civil Procedure.
 - (16) Issuance of a public notice under Article 571 (Effect of provisional disposition prohibiting transfer of possession), paragraph 1 of the Code of Civil Procedure.
 - (17) Implementation of an inspection of the custody of a movable under attachment or provisional attachment under the debtor or other party, or other item in the custody of the bailiff.
 - (18) Functions specified in each Item of paragraph 3 of Article 4 (Duties, Position and Place of Work) except for the above Items (1) through (17).
2. In the case that bailiff arrived at the place to implementation of the function as defined in each of the items under paragraph 1, however; the bailiff unable to perform the duties due to the reason that the duties are not the responsibility of that bailiff. The bailiff shall be entitled to receive a fee for a function even before implementation of the duties.

<Note>

Japan's Bailiff Law, Article 8

A bailiff is a public official who receives a fee for each function that is defined as the assigned duties directly under the Code of Civil Procedure or for each function that court adjudication has

put into effect ordering the bailiff to execute it in the course of the execution procedure. Each of the Items of paragraph 1 refers to a function that is or may be required to be implemented by a bailiff in accordance with the Code of Civil Procedure. Paragraph 1 needs to be amended if future legislation is passed the law expanding the scope of functions of a bailiff.

Paragraph 2 makes a bailiff entitled to receive a fee for a function even in cases where the function was not performed, for example, due to the withdrawal of a motion filed by a party involved in the case if the bailiff actually went to the place of implementation, in order to compensate for the time taken in the unaccomplished execution.

Any Ministerial Ordinance to be enforced in the future should stipulate that a bailiff shall receive a lower fee for a function if it was not possible to perform it through no fault of the bailiff. Nevertheless, this paragraph should not be construed as meaning that a bailiff who was not unable to perform a function due to *force majeure*, such as a natural disaster, may receive a fee.

Meanwhile, the Draft of this Article specifies a detailed standard for the calculation of the fee to be received by a bailiff for each function. For example, in the case of the compulsory disposition of a movable, the amount of the fee that the bailiff is entitled to receive varies according to the procedural stage (attachment, consolidation of cases, demand for distribution, sale).

Although there is a simpler method according to which a bailiff receives a set fee for the whole process of an execution against movables, this method has the disadvantage of preventing the bailiff from receiving any fee, for example, in the case of the withdrawal of the related motion.

Consultation is required with the Cambodian authorities with regard to which type of calculation standard should be employed.

Article 24.- Amount of the Fees

1. The amount of the fees for the functions listed in Article 23 (Receipt of Fees), paragraph 1 (1) through (17), shall be specified by a Ministerial Ordinance in consideration of the content of each function, the benefits to be enjoyed by the litigant, the current price trends, the general wage situation, and so on.
2. The amount of the fee set for a function performed by a bailiff that is regarded as one of the functions defined in Article 23 (Receipt of Fees), paragraph 1 (18) shall be determined by the court that ordered the bailiff to perform that particular function or by the court of first instance to which the bailiff belongs, in consideration of the amount of the fee for a function listed in the other Items of Paragraph 1 of Article 23 (Receipt of Fees) that is similar to that function.

<Note>

Japan's Bailiff Law, Article 9

The amount of the fees is generally determined by a Ministerial Ordinance in consideration of the situations stated in paragraph 1.

However, the amount of the fees for those functions that are not covered by Article 23 (Receipt of Fees), paragraph 1 (1) through (17) is determined by the court that had the bailiff implement them or, if a motion was directly filed with the bailiff, by the court of first instance to which the bailiff belongs.

As in the case of paragraph 1 of Article 23 (Receipt of Fees), paragraph 1 of this Article is also subject to amendment if in the future, there is the expanding of the scope of functions of bailiffs.

Article 25.- Timing of the Payment of Fees

A bailiff shall receive a fee for a function:

- (1) When the function has been completed;
- (2) When there is no longer any need to carry out the function; or
- (3) When the bailiff is unable to perform the function for reasons defined in paragraph 2 of Article 23 (Receipt of Fees).

<Note>

Japan's Bailiff Law, Article 13

The phrase "When there is no longer any need to carry out the function" by the bailiff, as in Item (2), means, for example, when a bailiff that has been assisting a person on request and in accordance with Article 338, paragraph 2 of the Code of Civil Procedure does not need to continue to provide such assistance as it has already produced sufficient results.

Article 26.- Types of Costs

1. A bailiff shall be entitled to receive payments or reimbursements for costs incurred in relation to the execution of the assigned duties.
2. The types of costs that a bailiff may receive payment or reimbursement for shall be as follows:
 - (1) Notification expenses
 - (2) Daily allowances and travel costs paid to observers as defined under Article 339 (Observers at the time of execution) of the Code of Civil Procedure
 - (3) Allowances paid to technicians and laborers
 - (4) Expenses for the delivery, storage, preservation and protection of related items.
 - (5) Expenses for harvesting fruit.
 - (6) Expenses for obtaining certificates from public agencies and other public entities.
 - (7) Expenses for taking photographs for the purpose of recording the current status of situations or events.
 - (8) Expenses for creating certificates as defined under Article 413 (Ruling ordering sale), paragraph 9 of the Code of Civil Procedure.
 - (9) Travel and accommodation costs for bailiffs.
 - (10) Daily allowances, travel costs, accommodation costs and salaries paid to valuers.
 - (11) Expenses necessary for the report as defined under Article 401 (Report to court of first instance) of the Code of Civil Procedure.
 - (12) Expenses required for the sale of related items not by tender or auction.
 - (13) Expenses, other than item (1) through (12) above, as defined under other laws or Ministerial Ordinance of Ministry of Justice.

<Note>

Japan's Bailiff Law, Articles 7 and 10

Japan's Bailiff Law and the related Rules on the Fees and Costs to be Received by Bailiffs provide that bailiffs are entitled to receive payment or reimbursement for the following costs:

1. Delivery expenses and fax and telephone charges
2. Public notification expenses
3. Daily allowances and travel costs paid to observes defined under Article 7 of the Code of Civil Execution (which is equivalent to Article 339 of the Code of Civil Procedure of Cambodia)
4. Allowances paid to technicians and laborers
5. Expenses for the performance of functions defined under Articles 136 and 138 of the Code of Civil Execution (for which the Code of Civil Procedure of Cambodia has no equivalent provisions)
6. Expenses for the delivery, storage, preservation and protection of related items.
7. Expenses for harvesting fruit.
8. Expenses for obtaining certificates from public agencies and other public entities.
9. Expenses for taking photographs for the purpose of recording the current status of situations or events.
10. Expenses for creating certificates as defined under Article 161, paragraph 5 of the Code of Civil Execution (which is equivalent to Article 413, paragraph 9 of the Code of Civil Procedure of Cambodia).
11. Travel and accommodation costs for bailiffs.
12. Daily allowances, travel costs, accommodation costs and salaries paid to assessors.
13. Expenses for creating documents to be submitted to the courts.

14. Expenses required for the sale of related items not through tender or public auction.

Consultation is required with the Cambodian authorities in order to determine which of the costs incurred in a particular case – including, but not limited to, those listed above – the bailiff may demand that the parties involved in the case should pay and what costs the bailiff concerned has to bear.

Article 27.- Amount of the Costs

The amounts of costs to be paid or reimbursed to a bailiff shall be as follows:

- (1) Costs specified in Article 26 (Types of Costs), paragraph 2 item 2, 8 though 13 Amounts determined by a Ministerial Ordinance.
- (2) Costs specified in Article 26 (Types of Costs), paragraph 2 item 1, 3 though 7 Amounts actually incurred.

<Note>

Japan's Bailiff Law, Article 11

If the amount of the costs that a bailiff is entitled to demand payment for from a party involved in a case under Article 24 (Types of Costs), in this article shall specify the actual amount incurred and the amount specified by a Ministerial Ordinance of Ministry of Justice .

Japan's Bailiff Law provides that the amounts of such costs as those listed in No. 3 and No.10, No 11 through No.14 of Article 24 (Types of Expenses) herein to be paid or reimbursed to a bailiff are determined by the Supreme Court Regulations, and that the amounts of other costs to be paid or reimbursed to a bailiff are those actually incurred by the bailiff.

Article 28.- Persons Obligated to Pay Fees or Reimburse

The following parties shall be obliged to pay or reimburse a bailiff for fees and costs incurred by the bailiff during the course of the bailiff's execution of the assigned duties:

- (1) Fees and Costs for the execution of functions performed by the bailiff upon a motion --- Movant
- (2) Fees and Costs for the execution of functions performed by the bailiff as instructed by the court --- Court

<Note>

Japan's Bailiff Law, Article 12

Those who caused a bailiff to carry out the assigned duty are liable to pay the bailiff for fees and costs.

With regard to the sale of a movable under Article 524, paragraph 6 of the Code of Civil Procedure of Cambodia, the party who made a motion for surrender of the movable is liable to pay the bailiff for the difference between the amount of the sales proceeds and the amount of the fees and costs to be deducted from the sales proceeds under Article 524, paragraph 7 and paid to the bailiff if the former amount is smaller than the latter under Article 12 (a).

Article 29.- Prescription

A bailiff's right to receive payment of fees and the reimbursement of costs shall be extinguished by prescription if not exercised within five years.

<Note>

Japan's Bailiff Law, Article 14

If Cambodian law has a general provision concerning the extinctive prescription for monetary claims against the government, that provision should apply to the right of bailiffs to receive payment of fees and the reimbursement of costs from the courts. Meanwhile, in Japan, the period of the extinctive prescription for "the right to receive money from the government" is five years as

provided for in Article 30 of the Fiscal Law. If there is no such general provision concerning the extinctive prescription for monetary claims against the government stipulated in any Cambodian laws, it is desired that the period of the extinctive prescription for claims against the government be the same as that for claims against private parties.

In addition, it is advisable that the period of the extinctive prescription is in place that is applicable to cases other than where a bailiff receives payment for fees and the reimbursement of costs from a court.

Article 30.- Payment in Advance

1. With regard to functions to be performed by a bailiff upon a motion, the bailiff may, in accordance with the procedures set forth in a Ministerial Ordinance of Ministry of Justice, may have the movant pay in advance a provisional amount for fees and costs expected to be incurred arising out of the bailiff's execution of the assigned duties, provided, however, that this shall not apply where the movant receives assistance in the litigation.
2. Payment of the provisional amount under paragraph 1 herein shall be made to the court of first instance to which the bailiff belongs.
3. A bailiff may, if a movant does not make payment of the provisional amount under paragraph 1 herein, dismiss the movant's motion.
4. A movant that has paid in advance a provisional amount shall be released from any liability for the payment of fees and the reimbursement of costs in proportion to the amount of advance payment made by the movant. In this case, the bailiff shall receive payment of the fees and the reimbursement of costs from the court to which the movant made the advance payment.

<Note>

Japan's Bailiff Law, Article 15

When a bailiff performs a function upon a motion by a movant, the bailiff may order the movant to pay in advance the expected fees and costs. If the provisional amount paid in advance by the movant is later found to be smaller than the actual total amount of fees and costs, the bailiff receives payment of the actual amount in full from the court to which the movant made the advance payment, and the movant receives reimbursement from the court for the difference between the provisional amount and the actual amount. If the provisional amount paid in advance by the movant ends up being smaller than the actual amount of fees and costs, the movant is still liable to pay the shortfall in accordance with the provisions of Article 23 (Timing of the Payment of Fees).

As for paragraph 3, failure to make an advance payment for fees leads to dismissal of the motion by the court as being unlawful, which is analogous to a case where a complaint is dismissed under Article 78, paragraph 2 of the Code of Civil Procedure. In contrast, the effect of failure to make an advance payment for costs is different from the effect prescribed in Article 62, paragraph 4 of the Code of Civil Procedure as such a failure merely results in a delay in the case.

Meanwhile, in cases where the court directs a bailiff to carry out a function, the bailiff does not need to order the movant to make an advance payment for fees and costs since it is the court that is liable to pay the bailiff for such fees and costs as stipulated in Article 26 (Persons Obligated to Pay Fees and Costs).

Article 31.- Aid in fees and costs

1. Bailiff is an execution organ in compulsory execution procedure or execution of preservative relief. A person who lacks the means to pay fee and costs or face extreme hardship in their life by paying such costs for disposition execution of the bailiff, the court of first instance in which the bailiff belongs may issue a ruling for the provision of aid in fees and costs upon a motion filed by the party. This provision shall not apply in the case where the motions of compulsory execution or execution of preservative relief made by the party surely will be dismissed due to the invalidity of the motions.

2. Proof to a preliminary showing shall be made for the reason in giving this aid as stipulated in article 131 (Proof to a preliminary showing) of Civil Code Procedure.

Article 32.- Nature of Aid in Fees and Costs etc.

1. A ruling ordering the provision of aid in Fees and Costs may include the following elements:
 - (a) Deferment of payment of Fees and Costs, or
 - (2) Exemption from the payment of Fees and Costs. However, this shall be limited to case where, after the deferment of payments has ended, the court determines such exemption to be proper by taking into account the party's financial state and other circumstances.
2. A ruling for the provision of aid in fees and costs shall inure only to the benefit of the person on whose behalf the ruling is made.
3. Where it is discovered that the beneficiary of a ruling for aid in fees and costs does not meet the necessary requirements set forth in Article 31 (Aid in Fees and Costs) or where he/she has failed to meet such requirements, the court of the first instance in which the bailiff belongs may at any time, upon motion of an interested person or on its own authority, revokes its ruling to provide aid in Fees and costs and orders the payment that had been subject to deferral or exemption via ruling.
4. Motion of objection may be made against the rulings describe in article 31 (Aid in fees and costs) and in this Article.
5. The ruling set forth in article 31 (Aid in fees and costs), this article and the motion of objection against the ruling shall be applied pursuant to ruling and motion of objection provides in The Code of Civil Procedure.

Article 33.- Exceptional provision on government responsibility for Fees and Costs

All fees and costs to be received by a bailiff for compulsory execution or execution of preservative relief upon a motion filed by a party receiving aid in Fees and Costs shall be borne by the Government upon the bailiff's request if the bailiff is unable to collect them from the debtor in execution.

<Note>

Japan's Bailiff Law, Article 16

1. Article 70 of the Code of Civil Procedure does not mention aid in fees and costs necessary for disposition or execution of preservative relief of the bailiff, so as the ground for granting aid in fees and costs, paragraph 1 of this article stated that the provision of article 69 (Provision of In Forma Pauperis) of the Code of Civil Procedure provides conditions for granted aid in litigation (except Paragraph 2, shall be made in each court before the case is pending) and article 70 Nature of aid in litigation shall apply mutatis mutandis to the fees and costs necessary for disposition of the bailiff's function. Because of this division, old article 29 was placed in paragraph 2 and modified the title of the article in order to clarify that this article is a basic provision for aid in costs and fees. In addition, for the aid for the compulsory execution which the court is an execution organ shall be interpreted that the provision is covered by article 69 and 70 of Civil Code.
2. The compulsory execution procedure is not clear in the case of bailiff is an execution organ, and to which court should the party file the motion for aid. Thus when applying provisions in both articles, the word "Court" in article 69, paragraph 1 refers to the court in which the bailiff belongs. Shall apply mutatis mutandis to the dismissal of the adjudication aid.
3. It shall be interpreted that "Costs which is necessary for compulsory execution" for the word "Costs which is necessary for the preparation and maintenance of an action" when applies the provision of paragraph 1, article 69; however, it still can be interpreted like this even there is no provision stated clearly in this article. In addition, the phrase " In the even that the case surely will

lose ” shall be interpreted that “In the even that the motion surely will be rejected for invalidity of the motion ”

4. All execution fees and costs to be received by the bailiff are ultimately borne by the debtor in execution (Code of Civil Procedure, Article 376, paragraph 1). However, if the bailiff is unable to collect execution fees and costs from the debtor in execution due to the debtor’s lack of financial resources and is also unable to make the creditor in execution pay for them because the compulsory execution was carried out upon a motion by a person receiving aid in litigation, the bailiff should be entitled to receive payment for such execution fees and costs from the government.

Chapter 6 **Transitional Provisions**

Article 34.- Cases Covered by this Law

1. This law applies to the case with the motion filed to the bailiff or the bailiff received order directly from the judge for the disposition function from the date of application of this Law.

2. Notwithstanding the above paragraph, the provisions of this law shall not apply in the following case:

(1) In the case of motion for execution against movable is filed to the place where the officer in charge of bailiff affairs stipulated in the Ministerial Ordinance *No 30 រ៉ឺឃ្ល័យរ៉ឺ/07* dated 19th July 2007 of the Ministry of Justice on officer in charge of bailiff affairs (Hereinafter refer to “Officer in Charge of Bailiff Affairs”) has already been attached pursuant to the provision of article 388, paragraph 1 (Consolidation of cases) Code of Civil Procedure.

(2) In the case of motion for execution against movable is filed to the place where the officer in charge of bailiff affairs has already been provisionally attached.

<Note>

1. This article stipulates the scope of the application of this Law. All the bailiff’s affairs shall be managed by officers in charge of bailiff affairs prescribed by the Ministerial Ordinance (Officer in charge of Bailiff Affairs) *No 30 រ៉ឺឃ្ល័យរ៉ឺ/07* dated 19th July 2007 of Ministry of Justice before the application of this Law. This Ministerial Ordinance states that officers in charge of bailiff affairs are temporary assigned to implement the function of the bailiff during and until the date of application of the Law on Bailiff. Thus after the application of the Law on Bailiff, all the functions shall be implemented by the Bailiff. Paragraph 1 of this article emphasizes the general principle, simply means that the effect of this Law is in the future from the date of application. It might be doubted about the application of this law to the case which motion filed to or ordered directly by the judge to the bailiff in order to implement the function before the application of this Law. To avoid such a doubt, paragraph 1 provided that the application of this law only to the case where there is motion filed by party to the officer in charge of bailiff affairs or the officer who received order directly from the judge from the time of application of this law. Simply means that whether to apply this law, it depends on the date of submission of the motion or the date of receiving order from the judge to be the basic date.

The application shall bases on the previous rules pursuant to the provisions of abrogation of the Ministerial Ordinance of Officer in Charge of Bailiff Affairs (Article 2) in the case that motion is filed to the officer in charge of bailiff affairs or the case that ordered directly by the judge to the officer in charge of bailiff affairs before the date of application of this Law. Therefore, the officer in charge of bailiff affairs shall be continued taking charge of those cases.

2. Within a period of time after the application of the Law on Bailiff, there shall be two organs implementing compulsory execution against movable property: The Bailiff and The Officer in Charge of Bailiff Affairs. To avoid the overlap of the same case or the cases in which have the same substance received by both organs, paragraph 2 stated that (1) if the further motion for execution against movable is filed where the officer in charge of bailiff affairs has already been carried out pursuant to provision of article 388, paragraph 1 (Consolidation of cases) of Civil Code or (2) if the motion for execution against movable in which the officer in charge of bailiff affairs has been provisionally attached, the provision of this Law on Bailiff shall not be applied even there is the above provision of paragraph 1. The provision of the Ministerial Ordinance on Officer in charge of Bailiff Affairs shall be applied for those cases. (Cf. Article 2, Ministerial Ordinance on the abolition of the Ministerial Ordinance of Officer in charge of Bailiff Affairs). To ensure the unity, the officer in charge of bailiff affairs shall be responsible for those cases.

In addition, in order to ensure the unity, it is also appropriate to analogically interpreted that officer in charge of bailiff affairs will be entitled to those cases even it is inconsistent with paragraph 2.

Chapter 7

Final Provisions

Article 35.- Application of this law

This law, after its entry into force, can be applied unless it is disseminated for a period of 1 (one) year.

<Note>

This article specifies the date of the application of this law. The date of application of this Law shall be after appropriate period of time in order to train the bailiffs and prepare the bailiff system.

<Additional Note>

(1) Abrogation of some Laws.

There is no other laws related to the bailiff, thus there is no any law shall be abrogated by this Law (Law on Bailiff).

(2) Invalidity of the provisions inconsistent with the provision of this Law.

There is no any provision which is inconsistent with the provision of this Law, so there should not be included the Invalidity of the Provisions inconsistent with the provision of this Law.