

Rwanda

Ministerial Order determining the Modalities of Exercising the Competence of a Bailiff

Ministerial Order 7 of 2020

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Ministerial Order determining the Modalities of Exercising the Competence of a Bailiff

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Commenced on 12 May 2020

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The Minister of Justice/Attorney General,

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 121, 122 and 176;

Pursuant to Law n° 22/2018 of 29/04/2018 relating to the civil, commercial, labour and administrative procedure, especially in Articles 217 and 225;

After consideration and approval by the Cabinet, in its session of 06/03/2020;

ORDERS:

Article One – Purpose of this Order

This Order determines modalities of exercising the competence of a Bailiff. It also determines the model of forms he or she uses.

Article 2 – Modalities of exercising the competence of a bailiff

The bailiff exercises the competence assigned to him or her by law conscientiously and in accordance with provisions of the law.

The bailiff records any act relating to the execution of an enforcement order by appropriate electronic system within two (2) working days from the date of execution of the act.

Article 3 – Forms used in seizure

The following forms are used in seizure:

- 1° the form relating to seizure of the property;
- 2° the form of the debtor indicating the property to be seized;
- 3° the form relating to cancellation of seizure;
- 4° the form relating to seizure of the property of the debtor in the hands of a third party;
- 5° the form relating to seizure of the property of the debtor in the hands of the Government, non-governmental organizations or public institutions with legal personality;
- 6° the form relating to seizure of recoverable property;
- 7° the form relating to seizure of an itinerant's property;
- 8° the form relating to seizure of a tenant's movable property;

9° the form relating to commercial seizure;

10° the form relating to distrain.

The model of the forms referred to in Paragraph One of this Article is in Annex I to this Order.

Article 4 – Other forms used by the bailiff

Other forms used by the bailiff are the following:

- 1° the form relating to agreement of voluntary execution of an enforcement order;
- 2° the form requesting for information on the property;
- 3° the form relating to surety on an immovable property;
- 4° the form relating to sanctioning of the person who violates provisions related to seizure of property or surety on the property;
- 5° the form relating to lifting of surety on immovable property
- 6° the notice of public auction of a movable property;
- 7° the notice of public auction of an immovable property;
- 8° the form requesting for law enforcement officers;
- 9° the form relating to public auction of a property;
- 10° the form relating to cancellation of the public auction in case the person to whom the property subject to public auction was awarded fails to pay within the prescribed time;
- 11° the certificate of sale in public auction;
- 12° the order indicating the hierarchy of creditors;
- 13° the form relating to sharing of the money from public auction;
- 14° the report on closure of public auction;
- 15° the form granting a property other than money;
- 16° the form relating to the transfer of bid security to public treasury in case the successful bidder fails to pay within the prescribed time;
- 17° the form relating to the request for the reimbursement of costs due to activities carried out;
- 18° form relating to the statement to carry out the expulsion ordered by a court decision or after completion of a public auction;
- 19° form relating to the statement of auction adjournment;
- 20° form relating to the voluntary execution of enforcement order/permit to sell the mortgage.

The model of the forms referred to in Paragraph One of this Article is in annex II to this Order.

Article 5 – Repealing provision

All prior provisions contrary to this Order are repealed.

Article 6 – Commencement

This Order comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.

Annex I

Forms used in seizure

[Editorial note: The forms have not been reproduced.]

Annex II

Other forms used by the bailiff

[Editorial note: The forms have not been reproduced.]