

Private enforcement officers to be introduced in Ukraine

On 2 June 2016, the Verkhovna Rada adopted the Law "On authorities and officers which enforce court judgments and decisions of other authorities", which introduced a mixed system of enforcement of court judgments and other authorities' decisions consisting of state and private enforcement officers.

Pursuant to the Law, the state enforcers are heads of the State Enforcement Service authorities, their deputies, chief state enforcers, senior state enforcers, and state enforcers of the State Enforcement Service.

At the same time, it is specified that the Ministry of Justice shall ensure preparation of private enforcement officers who could be citizens of Ukraine aged 25 and older with a second level law degree and with work experience of at least two years following completion of education. In addition, such person should pass the qualification test.

The Qualification Commission of private enforcement officers will be formed by the Ministry of Justice of Ukraine in order to determine the level of professional capability of persons by means of qualification testing. The Commission will also issue a certificate of private enforcer upon successful passing of the test.

A person willing to become a private enforcement officer shall also undertake respective courses and internship.

The Law specifies a list of persons who cannot become a private enforcement officer within a certain period of time or never:

- persons who committed a corruption crime or related violation – within three years following the day of commitment;
- persons who are banned from private enforcement activity – within three years following the day of the respective decision;
- persons dismissed from the position of a judge, prosecutor, law enforcement officer, state or municipal service due to disciplinary violation – within three years following the day of dismissal;
- persons having conviction for a crime if such conviction is not lifted (except for rehabilitated persons);
- persons declared incapacitated or with limited capacity pursuant to the court judgment;
- persons which are not citizens of Ukraine or which became citizens of other states;
- persons aged over 65 years old.

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The Law also envisages restrictions in the activities of private enforcement officers, such as prohibition to enforce judgments wherein the claimant is the state or state authorities, judgments regarding state or communal property and judgments on eviction of individuals.

The Law becomes effective after the signing by the President of Ukraine.