

PROCEDURE AFTER ISSUE OF THE WRIT OF EXECUTION

1. The Writ of Execution, having been sealed is then sent under cover of letter by the Registrar/Deputy Sheriff to the most Senior Bailiff in the Registry. All writs of execution and warrants for attachment are to be delivered to the Registrar/Deputy Sheriff. They are never to be delivered to a Bailiff in the first instance.
2. The Deputy Sheriff causes a docket to be opened and after being satisfied that there is proof of service of the Entry of Judgment, the Mandatory Seven (7) days stay has been, observed and also that no motion for Stay of Execution has been filed and pending, refer the writ of execution to the most Senior Bailiff for execution. (To be doubly sure, a search can be made at the Court of Appeal to find out if a motion has been filed there).
3. If during the execution, the judgment/debtor satisfies the whole Judgment debt and costs plus the filing fees, the executing Bailiff issues to him a "Bailiff Receipt" and stops the execution forthwith.
4. The judgment debt so collected is paid to the counter clerk/cashier for an official receipt to be issued. The said receipt is posted against the duplicate of the Bailiff's receipt book. On the other hand where the judgment/debtor fails to satisfy the judgment debt and costs the execution proceeds.
5. As commanded by the writ of execution (e.g.) writ of Fieri-Facias, the Deputy Sheriff or his Officer can enter into the house of a Judgment Debtor and seize his property as endorsed in the particulars of attachment, except his wearing apparel, beddings, household furniture, cooking utensils and working tools of very low value.
6. Where the moveable property seized when sold can satisfy the judgment debt and costs, his immovable property should not be attached.

7. Where the property is moveable, the Deputy Sheriff's Officer prepares an inventory for the signature of the Judgment Debtor. The Registrar/Deputy/Sheriff thereafter takes charge of the moveable properties until a licensed auctioneer is appointed to take charge off it and conduct the sale. On the other hand where the court thinks fit, the Deputy Sheriff can be authorized to conduct the sale.

8. In case where an immoveable property is attached, the Registrar/Deputy Sheriff is required to make a written Order prohibiting the judgment Debtor from alienating the property for sale, gift or otherwise and all persons from receiving same by purchase, gift or otherwise and the Registrar may also, by direction of the court, take and retain actual possession of the property. **(C.I. 47 Order 4S'Rules 4 (e))**. The Order is served on the judgment debtor, or in his absence an adult person in his last known place of abode or at his business place and copies posted on the Notice Board of the Courthouse, and the District Court nearest to where the property is situated and on the property itself

To conclude, I would like to emphasize that the Registrar has numerous roles to play in the operations of the Bailiff for he is supposed to perform almost all the duties that the Bailiff performs.

For without the active participation of the Registrar in the operations of Bailiffs, the desired results expected in the service of processes and execution of judgments and enforcement of court orders cannot be achieved.

ADMINISTRATIVE SET UP OF THE JUDICIAL SERVICE AND THE REGISTRY SYSTEM

Introduction

The Judicial Service of Ghana is one of the organisations that was inherited from the British Colonial administration at the time of independence in 1957. The Service has had a lot of changes in the hands of various governments that ruled the country from independence.

A. JUDICIAL SERVICE ADMINISTRATION

The administration of the Judicial Service consists of the practices, procedures and offices that deal with the management of the court systems.

The current administrative structure of the Service was adopted and implemented in August 2006. The current organogram which is attached as Appendix 'A' gives the structure of the headquarters. The other organogram labelled as Apenidix 'B' also captures the structure of the administration in the regions.

The structure of the headquarters has the Honourable Chief Justice as the overall head of the Service. The Chief Justice is assisted in the running of the administration by the Judicial Secretary and the Deputy Judicial Secretaries. Directors of the various Departments and their deputies, and other Heads of units and sections assist the Judicial Secretary in the day to day administration of the Service.

All correspondence, unless otherwise specifically indicated are sent to the Judicial Secretary at the headquarters and directive is given as to the Director to take charge of the response.

Being a new organogram and with the global trend of affairs, the organogram is still undergoing changes. For instance, a Director has been appointed to head the ICT Department to ensure a speedy response to issues relating to ICT, with the automation of some of the courts. Other Directors include the

Director of Administration and Human Resource Development, Finance, Audit, JTI, Projects, Communication, Budget, Complaints Unit and Administrator of the Commercial Court.

STRUCTURE IN THE REGIONS

In the regions, the chain of command is headed by the Supervising High Court Judge who is the direct representative of the Chief justice.

Administratively, the Supervising Judge is assisted by the Regional Registrar. Correspondences to the headquarters are channelled through the Regional Registrar who, upon consultation with the Supervising Judge, forwards it to the office of the Judicial Secretary in Accra.

DISCIPLINARY ACTION

Any act of misconduct or negligent on the part of an officer is an offence which may render him/her liable to disciplinary action. In particular, the contravention of, or failure to observe, a General Order or other instruction is such an offence.

Registry Flow System

As Process Servers who by implication are "Court Officers" should be conversant with the Court Registry Systems.

The Court Registry is headed by a Registrar. The Registrar of the High Court and above are by law classified as Judicial Officers and therefore have certain statutory functions, for example, custody of wills, Registrars of Deeds and Referees. You are in the performance of your duties as Process Servers going to work indirectly under the Registrars who are to assess your work and submit monthly reports to the Chief Justice.

Administrative Duties

Between 1.00 pm – 3.00 pm of every working day, each firm will send an officer to the Registrar of the court assigned to it to sign and collect processes filed during the day and make available for service. These documents are to

be served as soon as possible and service proofed by way of an **Affidavit sworn by the serving officer before a Commissioner of Oaths or preferably before the Registrar**. Swearing of an oath before the Registrar is free. For the purpose of this programme, Private Court Process servers would serve only documents filed by **Lawyers and Litigants**. All documents emanating from the courts, such as, **hearing notices to parties, various court orders, warrants** and all **execution processes** would be conducted by Bailiffs or Officers of the courts. It is expected that after service of the various documents entrusted to you for service, you would effect them expeditiously, prove service and submit the results to the Registrar within the time allowed. In the performance of your duties, you should not arrogate unto yourselves duties that are outside the purview of your functions. In order to avoid impersonation and to enable the performance of your duties to be unhindered, each Process Server will be issued with an identity card.

3. COURT STRUCTURE

