

Notarial Civil Procedural Law (B000889)

Due to Covid 19, the education and evaluation methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

Course size	<i>(nominal values; actual values may depend on programme)</i>		
Credits 5.0	Study time 150 h	Contact hrs	60.0 h

Course offerings and teaching methods in academic year 2022-2023

A (semester 2)	Dutch	Gent	guided self-study	0.0 h
			lecture: plenary exercises	15.0 h
			online lecture	0.0 h
			lecture	45.0 h
			online discussion group	0.0 h

Lecturers in academic year 2022-2023

Vandenbussche, Wannes	RE21	lecturer-in-charge
Baeck, Joke	RE21	co-lecturer
Broeckx, Karen	RE21	co-lecturer

Offered in the following programmes in 2022-2023

Master of Laws in Notarial Law	crdts	offering
	6	A

Teaching languages

Dutch

Keywords

Part I:

The laying and release of the seals, the notarial inventory, the liquidation and partition, the delivery of a second executable notarial deed

Part II:

Seizure on immovable property- garnishment- enforcement on immovable property- collective arrangement with creditors- judicial settlement of companies-seizure in criminal matters- distribution.

PART III:

Order of precedence among creditors in the event of concurrence

Position of the course

The course wants the students to acquire a profound scientific knowledge of the notarial civil procedure.

Contents

Part I

- The laying and release of the seals
- The notarial inventory
- The liquidation and partition
- The delivery of a second executable notarial deed

Part 2

- Conservative seizure on immovable property
- Conservative garnishment
- Procedure for change from conservative seizure to enforcement proceedings

- Enforcement measures on immovable property
- Garnishment
- Collective arrangement with creditors
- Bankruptcy
- Seizure in criminal matters
- Distribution

Part 3:

- Concurrence
- Order of precedence among creditors
- Mortgage
- Lien
- General priority rules
- Special priority rules
- Retention rights

Initial competences

Students must have passed the course "Procesrecht" (Procedure)

Final competences

- 1 To have and apply a profound scientific knowledge of the notarial civil procedure and related areas of law.
- 2 To understand and apply current debates and issues relating to the notarial civil procedure and related areas of law, through a thorough command of the scientific research methods in the studied legal disciplines, and by being able to analyse legal texts and sources of law (also in other languages than Dutch), which leads to the ability to apply theoretical knowledge to realistic cases and problems.
- 3 To be able to prepare and draft notarial deeds in notarial procedure and other affiliated areas of law. This requires on the one hand the ability to identify problems and to summarize them, and on the other hand the ability to solve independently difficult problems and to formulate advises by assessing and evaluation independently the statutes, the case law and the comments on the law by legal authors. To be able to demonstrate creativity in solving a notarial problem, a legal-scientific attitude (a discerning mind) and self-reliance (sense of responsibility)
- 4 The ability to intelligible written and oral communication
- 5 To participate in academic activities. The willingness to self-teaching and lifelong learning. To assess the legal implications of new social and technological developments for the notarial practice
- 6 To be aware of the social role of the notarial lawyer; respect for diversity, pluralism and tolerance.
- 7 To understand the high demands concerning the deontology of the notary in this context and acting accordingly to the deontological rules applicable to notarial lawyers and notary's. To understand the importance of the impartiality and independence of the notary in procedures, as for instance the procedure of liquidation and division.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Guided self-study, lecture, online discussion group, lecture: plenary exercises, online lecture

Extra information on the teaching methods

The lectures aim to give the students an insight in and an understanding of the procedures, whereby attention is given to the context in which these procedures are performed. The aim is to have interaction with the students.

Learning materials and price

- Statute books (for example the Notarieel Wetboek or VRG-codex, annually published by Kluwer).
- For various parts of the course: documents provided by the lecturers on Ufora.

References

Will be communicated during the course

Course content-related study coaching

Explanation of the method of study and the method of examination during the lectures and on Ufora. More insight is given during the plenary exercises. Examples of questions are discussed during the plenary exercises.

Evaluation methods

end-of-term evaluation

Examination methods in case of periodic evaluation during the first examination period

Written examination

Examination methods in case of periodic evaluation during the second examination period

Written examination with open questions, written examination with multiple choice questions

Examination methods in case of permanent evaluation

Possibilities of retake in case of permanent evaluation

not applicable

Calculation of the examination mark

- 40% written examination (part lectured by professor Vandenbussche)
- 40% written examination (part lectured by professor Broeckx)
- 20% written examination (part lectures by professor Baeck)