



Judiciary (Organisation) Act

Valid from 1 January 2020 to the present

Chapter 1. General Provisions

Section 1

The following definitions apply in this Act and the provisions based thereon:

- a. courts: the courts referred to in Section 2;
- b. judicial officers:
 1. the president of, vice-presidents of, and justices and justices extraordinary on, the Supreme Court;
 2. the senior justices, justices and deputy justices at the courts of appeal;
 3. the senior judges A, senior judges, judges and deputy judges at the district courts;
 4. the procurator general, deputy procurator general, advocates general and advocates general extraordinary at the Supreme Court;
 5. the procurators general who comprise the Board of Procurators General referred to in Section 130, excluding the procurator general referred to in Section 130, subsection 4;
 6. the National Chief Advocate General at the offices of the public prosecution service at the courts of appeal, as well as the chief advocates general, the senior advocates general, the advocates general and the deputy advocates general at the offices of the public prosecution service at the courts of appeal and the National Head Office;
 7. the chief public prosecutors, deputy chief public prosecutors, senior public prosecutors A, senior public prosecutors, public prosecutors, deputy public prosecutors, acting public prosecutors, public prosecutors for single-judge cases and deputy public prosecutors for single-judge cases at the public prosecutor's offices at the district courts, the National Public Prosecutors' Office, the National Office for Serious Fraud, Environmental Crime and Asset Confiscation, the Central Processing Office of the Public Prosecution Service and the National Head Office;
 8. the senior court legal assistants and court legal assistants at the courts;
 9. the clerk/registrar and substitute clerk/registrar at the Supreme Court;
 10. judges-in-training and trainee public prosecutors.
- c. judicial officers responsible for the administration of justice: the judicial officers referred to under (b), (1) to (3);
- d. court officials: civilian government officials (civil servants) employed at a court based on an employment contract;
- e. Supreme Court: the Supreme Court of the Netherlands;
- f. Our Minister: Our Minister of Security and Justice;



- g. the Council: the Council for the Judiciary as referred to in Section 84;
- h. hearing capacity: space available for hearings, available capacity of judicial officers responsible for the administration of justice or available capacity of court officials required for the processing of cases.

Chapter 2. Administration of Justice

Part 1. General Provisions

Section 2

The judiciary is comprised of the following courts:

- a. district courts;
- b. courts of appeal; and
- c. the Supreme Court.

Section 3

Parts 2 and 6 do not apply to the Supreme Court.

Section 3a

[Repealed on 20/03/1947]

Section 4

1. Unless otherwise provided by statute, hearings are held in public, on penalty of nullity.
2. The examination during the hearing may, for compelling reasons, be conducted wholly or partly in private. The reasons must be stated in the official record of the hearing.
3. If, in cases concerning the law of persons and family law or cases to which Section 803 of the Code of Civil Procedure applies mutatis mutandis, all or part of the hearing is conducted in public, the reasons must be stated in the official record of the hearing.

Section 5

1. On penalty of nullity, judgments and decisions in civil and criminal cases must be pronounced in public and must contain the grounds on which they are based.
2. On penalty of nullity, orders, judgments and decisions in civil and criminal cases and rulings in administrative cases are delivered by the number of judicial officers responsible for the administration of justice specified in this Act.
3. If it is provided by statute that persons other than judicial officers also form part of a full-bench chamber/division, the decisions of the full-bench chamber/division concerned are also null and void if they have not been taken by the number of non-judicial members specified in this Act.

Section 5a

[Repealed on 01/01/2002]



Section 6

1. The management board of a court must establish single-judge and full-bench chambers/divisions to hear and decide cases and swear in the officials designated for this purpose by statute and must determine their composition.
2. Unless otherwise provided in this Act, the full-bench chambers/divisions must consist of three judicial officers responsible for the administration of justice, one of whom acts as presiding judge. If a full-bench chamber/division includes persons other than judicial officers, a judicial officer responsible for the administration of justice must act as presiding judge.
3. The management board may decide that, in the interests of the safety of persons or if the hearing will last more than one day, one or more judicial officers responsible for the administration of justice should be available to deputise for one of the members of a full-bench chamber/division in a case. These judicial officers are present when the case is heard in court, but do not take part in the examination in court or in the deliberations and decision on the case, unless they deputise for one of the absent members at the request of the presiding judge of the full-bench chamber/division.
4. This section does not apply to the Supreme Court.

Section 6a

[Repealed on 01/06/1999]

Section 6b

[Repealed on 01/06/1999]

Section 6c

[Repealed on 01/06/1999]

Section 6d

[Repealed on 01/01/2002]

Section 7

1. In chambers the presiding judge of the full-bench chamber/division must ask the members individually for their opinion. The presiding judge must give his opinion last.
2. Each member must participate in the decision-making.
3. Judicial officers responsible for the administration of justice, judges-in-training and trainee public prosecutors, senior court legal assistants and court legal assistants, the clerk/registrar and deputy and acting clerks/registerars of the Supreme Court, court officials and external clerks/registerars as referred to in Section 14, subsection 4 may not divulge matters discussed in chambers concerning pending cases.

Section 7a

[Repealed on 01/01/2002]

Section 7b

[Repealed on 01/01/1997]



Section 7c

[Repealed on 01/01/1997]

Section 8

Deputy justices and deputy judges may be called upon by the management board to hear and decide cases.

Section 8a

[Repealed on 01/01/1997]

Section 9

The Council may require a judicial officer of a court of appeal or district court to deputise for the holder of another judicial office at a different court of appeal or district court, as the case may be, with the agreement of the judicial officer concerned and the management board of the court where he is employed.

Section 10

1. All principal seats, as specified in Section 21b, subsection 1, are home to a court registry. The registry must be open at least six hours a day on all working days.
2. All principal seats as specified in Section 21b, subsection 2, are home to a court registry if this has been so determined by the management board. The management board sets the hours of operation of the court registries.
3. The hours of operation of the court registries are listed in the Management Board Regulations.
4. Any documents and other items may be submitted to and filed with the court registry where the case is being heard, unless provided otherwise in the Management Board Regulations.

Section 11

Rules for the administration of the courts must be laid down by order in council.

Section 11a

[Repealed on 15/05/2002]

Section 11b

[Repealed on 01/01/2002]

Section 11c

[Repealed on 01/01/2002]

Section 12

Judicial officers responsible for the administration of justice, judges-in-training and trainee prosecutors, senior court legal assistants and court legal assistants and the clerk/registry and deputy clerk/registrars of the Supreme Court may not in any way discuss with parties or their lawyers or representatives any dispute(s) pending before them or which they know or suspect will become pending before them.



Section 12a

[Repealed on 01/01/2002]

Section 13

Judicial officers responsible for the administration of justice, judges-in-training and trainee prosecutors, senior court legal assistants and court legal assistants, the clerk/registrar and deputy and acting clerks/registrars of the Supreme Court, court officials and external clerks/registrars as referred to in Section 14, subsection 4 may not divulge information which comes to their attention in the course of their work and which they know – or can reasonably be expected to suspect – to be of a confidential nature, unless they are obliged by any statutory provision to communicate it or their position makes it necessary for them to communicate it.

Part 1a. Complaint handling by the Supreme Court

Section 13a

1. Any party with a complaint regarding how a judicial officer responsible for the administration of justice has comported himself towards him in the performance of his duties can request the Procurator General at the Supreme Court in writing to file a petition with the Supreme Court containing an application for an investigation into the conduct, unless the complaint concerns a court decision.
2. The petition must be signed and must contain the name and address of the petitioner and as clear a description as possible of the conduct in question and the complaint which has arisen regarding this conduct.

Section 13b

1. The procurator general is not required to comply with the request specified in Section 13a if:
 - a. the petition does not comply with Section 13a, subsection 2;
 - b. the petitioner can, or could have, submitted a complaint about the conduct in accordance with Section 26 or 75;
 - c. a complaint has been submitted about the conduct in accordance with Section 26 or Section 75, this complaint has been reviewed and the petitioner reasonably has insufficient interest in an investigation as referred to in Section 13a;
 - d. if it is immediately apparent that the petition was filed an unreasonable amount of time after the complaint arose;
 - e. a petition submitted by the same petitioner concerning the same conduct is already under review or – unless new facts or new circumstances concerning the same conduct have become known and could have resulted in a different opinion – has been dismissed;
 - f. a form of relief is currently available, or has been available, to the petitioner in relation to the complaint from a judicial authority and the petitioner has not used this relief, or if a judicial authority handed down a decision regarding the complaint against which no legal remedy is available;



3. A copy of the decision must be sent to the petitioner, the judicial officer to whose conduct the investigation related, and to the management board of the court concerned or, if the investigation related to the conduct of a judicial officer employed by the Supreme Court who is responsible for the administration of justice, the President of the Supreme Court.

Section 13g

1. The procurator general at, and the President of, the Supreme Court draw up an annual report outlining the work carried out in accordance with sections 13a to 13f.
2. The procurator general must ensure that this report is published and made generally available. Section 10 of the Government Information (Public Access) Act applies mutatis mutandis.

Part 2. Organisation of the courts

Division 1. Structure

Section 14

1. A court is staffed by:
 - a. judicial officers responsible for the administration of justice, and
 - b. court officials.
2. A court may employ judges-in-training, senior court legal assistants and court legal assistants.
3. The court officials designated by the management board of the court, judges-in-training, senior court legal assistants and court legal assistants perform the duties with which the clerk of the court is charged by or pursuant to statute. They are competent to perform these duties for other courts as well. The designation is made in writing.
4. The management board of a court may appoint as an external clerk of the court/registrar persons other than judicial officers responsible for the administration of justice, court officials, judges-in-training, senior court legal assistants or court legal assistants. They may be called upon in this capacity by the management board to perform duties with which the clerk of the court/registrar is charged by or pursuant to statute. Subsection 3, second sentence applies mutatis mutandis. Prior to being called upon for the first time they must take an oath or make an affirmation. The wording of the oath or affirmation must be adopted – and further rules about their swearing-in may be laid down – by or pursuant to order in council. External clerks of the court receive a fee from the management board of the court concerned set in accordance with rules to be laid down by or pursuant to order in council.
5. An external clerk of the court/registrar is discharged at his request by the management board of the court.
6. The management board of the court may terminate the employment of an external clerk of the court/registrar:



- a. if he has not performed the duties of a clerk of the court/registrars for a period of at least three years;
 - b. on the ground of unsuitability, other than for reasons of ill-health, or
 - c. for an act or omission that should not be committed by a person employed by a court.
7. If a court official, judge-in-training, senior court legal assistant, court legal assistant or external court clerk performs duties of the clerk of the court/registrars in support of a judicial officer responsible for the administration of justice or an expert member, he must comply with the directions given by the judicial officer or expert member concerned.

Section 14a. [Ed.: Repealed.]

1. Anyone with a complaint regarding the manner in which a judicial officer responsible for the administration of justice has comported himself towards him in the performance of his duties can request the procurator general at the Supreme Court to file a petition with the Supreme Court containing an application for an investigation into the conduct.
2. The petition must contain the name and address of the petitioner and as clear a description as possible of the conduct in question and the complaint which has arisen against it.

Section 14b. [Ed.: Repealed.]

1. The procurator general must comply with the request unless:
 - a. the requirements specified in Section 14a, subsection 2 have not been complied with;
 - b. it is immediately apparent that the petition was filed an unreasonable amount of time after the complaint arose or lacks sufficient grounds to warrant the conduct of an investigation;
 - c. a petition submitted by the same petitioner concerning the same conduct is already under review or – unless new facts or new circumstances concerning the same conduct have become known and could have resulted in a different opinion – has been dismissed;
 - d. a form of relief is currently available, or has been available, to the petitioner in relation to the complaint from a judicial authority and the petitioner has not used this relief, or if a judicial authority handed down a decision regarding the complaint against which no legal remedy is available;
 - e. the procurator general has filed a petition, or will file a petition, as referred to in Section 46o in conjunction with Section 46d, subsection 2, 46f, 46g, 46l or 46m of the Judicial Officers (Legal Status) Act;
 - f. the petitioner can file a complaint, or could have filed a complaint, in accordance with the regulations specified in Section 26, subsection 1 of the Judiciary (Organisation) Act.
2. The procurator general will give the petitioner and the judicial officer to whose conduct the petition relates the opportunity to provide him with information. The procurator general will hear the individuals specified in the first sentence at their request.



3. The procurator general will inform the petitioner and the judicial officer to whose conduct the petition relates of the outcome of the preliminary investigation. If the procurator general is of the opinion that a form of relief is available from a judicial authority with regard to the complaint, he will notify the petitioner accordingly.

Section 14c. [Ed.: Repealed.]

The petition filed by the procurator general to initiate an investigation into the conduct specified in the petition will be reviewed by a division designated by the rules of procedure for the hearing of these petitions, which will conduct the hearing with three members in attendance.

Section 14d. [Ed.: Repealed.]

1. The Supreme Court will give the petitioner and the judicial officer to whose conduct the petition relates the opportunity to be heard in relation to the petition filed by the procurator general, either in each other's presence or otherwise.
2. The investigation must be conducted in chambers. The court may decide to hear witnesses, either at the request of the procurator general or of one of the individuals specified in the first subsection, or of its own motion.
3. The Supreme Court will offer the management board of the court of appeal or the district court the opportunity to provide oral or written information regarding a pending complaint and to express its sentiments in relation thereto, if the complaint is directed against a judicial officer responsible for the administration of justice, employed by that court of appeal or that district court.

Section 14e. [Ed.: Repealed.]

1. The Supreme Court renders a decision in which it includes its findings regarding the objections stated in the petition and gives its opinion as to its merits.
2. A copy of the decision must be sent to the petitioner and to the judicial officer to whose conduct the petition relates. The Supreme Court must send a copy of the decision to the management board of the court concerned or, if the complaint is directed against a judicial officer responsible for the administration of justice who is employed by the Supreme Court, to the President of the Supreme Court.

Section 15

1. Each court maintains a management board consisting of three members, including a chairperson.
2. Two members, including the chairperson, are judicial officers responsible for the administration of justice who occupy their judicial office based on an appointment as specified in Section 5f, subsection 1, of the Judicial Officers (Legal Status) Act. The third member is a court official.
3. The chairperson of the management board bears the title of president.
4. Members of the management board are appointed by royal decree at the recommendation of Our Minister for a term of six years. They may be reappointed once as members of the management board of the same court for a term of three years.
5. The Council drafts a recommendation for the appointment of management board members. Before drafting a recommendation, the Council hears the management board of the relevant court. The management board must also inform the Council



of the position of the works council. Prior to being appointed as a management board member, the person concerned is requested to provide a certificate of conduct issued within the last three months and in accordance with the Judicial Information and Criminal Records Act.

6. The chairperson and the other judicial member of the management board cannot also serve as members of the management board of another court, the management board of the Central Appeals Tribunal or the management board of the Trade and Industry Appeals Tribunal, except in the case of temporary replacement. The non-judicial member of the management board can, other than in cases of temporary replacement, only in exceptional cases serve as a member of the management board of one other court, the management board of the Central Appeals Tribunal or the management board of the Trade and Industry Appeals Tribunal.
7. A member of the management board may not also serve as:
 - a. a member of the States General;
 - b. a government minister;
 - c. a state secretary;
 - d. vice-president or member of the Council of State;
 - e. president or member of the Court of Audit;
 - f. National Ombudsman or deputy ombudsman
 - g. a lawyer or civil-law notary or otherwise be involved professionally in providing legal advice and assistance;
 - h. a civil servant at a ministry or at the institutions, agencies and businesses that come under a ministry;
 - i. a member of the Council.
8. The chairperson and the other judicial member of the management board cannot also serve as judicial officers, as specified in Section 1(b), (1) to (4) and (10).
9. The non-judicial member of the management board cannot also serve as a judicial officer.
10. Section 3(a) of the Central and Local Government Personnel Act 2017 does not apply to the non-judicial member of the management board.

Section 16

1. During his term as chairperson or other judicial member of the management board, the chairperson or other judicial member of the management board will receive, in lieu of the salary in accordance with the provisions under and pursuant to Section 7 of the Judicial Officers (Legal Status) Act, a salary to be fixed by order in council, commensurate with the performance of the duties of a chairperson or other judicial member. Sections 6, 13-15 and 17-19 of the Judicial Officers (Legal Status) Act apply mutatis mutandis. Once a term of at least six consecutive years has passed, the chairperson or the other judicial member will receive, commencing on the date on which he terminates his work as such, for a period of three years, an allowance as a supplement to his salary which he receives in accordance with the provisions of and pursuant to Section 7 of the Judicial Officers (Legal Status) Act. The amount of the allowance is equal to the difference between this salary and the salary level fixed by order in council for the position of chairperson or other judicial member. The allowance will be granted by



the management board excluding the chairperson concerned or the other judicial member concerned.

2. A member of the management board is discharged by royal decree on the recommendation of Our Minister if the member accepts an office or position which is incompatible under Section 15 with membership of the management board of the court.
3. The chairperson and other judicial member is discharged or suspended as a member of the management board by royal decree on the recommendation of Our Minister if the member is discharged or suspended as a judicial officer responsible for the administration of justice, unless such discharge or suspension relates only to a judicial office to which they were not appointed in accordance with Section 5f, subsection 1 of the Judicial Officers (Legal Status) Act.
4. The chairperson or other judicial member is discharged at his own request by royal decree on the recommendation of Our Minister.
5. The non-judicial member is subjected to disciplinary action, suspended and discharged by royal decree on the recommendation of Our Minister. Our Minister makes his recommendation on the proposal of the Council.
6. Further rules on the legal status of the management board members, including in any event rules concerning the salaries of the members of the board and the allowance referred to in subsection 1, third sentence, are to be laid down by order in council.

Section 17

1. The management board may take decisions only if at least half of the members are present.
2. The management board takes decisions by a majority of votes.
3. In the event of a tied vote, the president has the casting vote.

Section 18

The management board may authorise one or more of its members to exercise one or more of its powers. Part 10.1.1 of the General Administrative Law Act applies mutatis mutandis.

Section 19

1. The management board adopts internal regulations, which must in any case contain further rules regarding:
 - a. the management board's procedures, decision-making and division of responsibilities;
 - b. the authorisation referred to in Section 18;
 - c. the replacement of its members in the event of sickness or other incapacity.
2. In its internal regulations, the management board must assign to the president or the other judicial member of the management board in any case the area of focus relating to the duties as specified in Section 23, subsection 1, (d) and subsection 3.



Section 20

1. The management board must adopt a set of administrative regulations, which must in any case contain further rules regarding:
 - a. the court's organisational structure;
 - b. the division into chambers, as specified in Section 6, subsection 1;
 - c. the allocation of cases to members of the single-judge and full-bench chambers/divisions;
 - d. the manner in which the management board performs its duties as specified in Section 23, subsection 1, (d) and subsection 3;
 - e. the external contacts of the management board of the court.
2. The management board also establishes its seat in its administrative regulations.

Section 21

1. The management board adopts a set of regulations for the distribution of cases, which specifies for each venue the categories of cases heard in that venue. This takes into account, in any event, the importance of effective access to the administration of justice.
2. Before the management board of the court adopts the regulations for the distribution of cases, it enables the chief public prosecutor to present his views on the provisions of the regulations concerning criminal cases.
3. Before the management board of the court adopts the regulations for the distribution of cases, it enables the national chief advocate general to present his views on the provisions of the regulations concerning criminal cases.

Section 21a

1. The regulations referred to in Sections 19-21 require the consent of the Council. Sections 10:28 to 10:31 of the General Administrative Law Act apply mutatis mutandis.
2. Consent may only be withheld due to incompatibility with the law or with the public interest, including the importance of effective access to the administration of justice and of proper operation of the court.
3. The regulations referred to in Sections 20 and 21 must be published in the Official Gazette.

Section 21b

1. Under an order in council, venues are designated for each court within the jurisdiction in which the court is located. This takes into account, in any event, the importance of effective access to the administration of justice and the importance of effective management and administration of the court. The recommendation for the order in council will be made at the earliest four weeks after the draft has been submitted to both Houses of the States-General.
2. Our Minister may, after having heard the Council and the Board of Procurators General, designate other venues within the jurisdiction in which the court is located, either for a specific period or otherwise.
3. Our Minister may, after consulting the Council and the Board of Procurators General, decide that a case will be heard in a location to be designated by the Minister within or outside the jurisdiction in which the court is located, if this is



required for reasons of personal safety and security or due to other compelling circumstances.

Section 22

1. With the exception of the deputy justices and deputy judges who do not perform their duties based on an appointment as referred to in Section 5f, subsection 3 of the Judicial Officers (Legal Status) Act, the judicial officers responsible for the administration of justice who are employed by a court, senior court legal assistants and court legal assistants, who also serve as deputy justices or deputy judges, and the judges-in-training collectively make up the court meeting.
2. The president serves as the presiding judge of the court meeting.
3. The court officials employed by the court, senior court legal assistants and court legal assistants who do not also serve as deputy justices or deputy judges, and the deputy justices and deputy judges who do not perform their duties based on an appointment as referred to in Section 5f, subsection 3 of the Judicial Officers (Legal Status) Act may attend the court meeting on invitation.

Division 2. Duties and powers

Section 23

1. The management board is responsible for the day-to-day management, organisation and operational control of the court. Specifically, the management board is responsible for:
 - a. information systems and the provision of administrative information;
 - b. preparing, adopting and implementing the budget;
 - c. accommodation and security;
 - d. the quality of the administrative and organisational procedure of the court, including its external focus;
 - e. personnel matters;
 - f. other facilities.
2. In performing the duties referred to in subsection 1, the management board may not involve itself in the procedural aspects or substantive assessment of or the decision in a specific case or category of case.
3. The management board is also responsible for promoting the legal quality and uniform application of the law within the court. To this end, the management board consults with the court meeting or with a delegation designated by the court meeting of the participants specified in subsections 1 and 3 of Section 22 in the fields of civil cases, criminal cases or other areas of law. In the performance of this duty, the management board will not become involved in the procedural aspects or substantive assessment of or the decision in a specific case.
4. The management board members must provide each other with information necessary for the performance of the duties referred to in subsections 1 and 3.

Section 23a

1. The Council may instruct court management boards to collectively perform one or more of the duties specified in Section 23, subsection 1, (a) and (c) to (f).



2. If cooperation has been agreed in accordance with subsection 1, the management boards concerned will adopt further rules for such cooperation in a set of shared regulations. Section 21a applies mutatis mutandis.

Section 24

1. In performing its duties referred to in Section 23, subsection 1, the management board may issue general and specific directions to all officers and officials employed at the court.
2. In providing instructions, the management board will not become involved in the procedural aspects or substantive assessment of or the decision in a specific case or category of case.

Section 25

1. With regard to the non-judicial member of the management board, the powers under the Central and Local Government Personnel Act 2017 and Part 10 of Book 7 of the Civil Code are exercised by the management board excluding that member.
2. By or pursuant to order in council, further rules are adopted for the exercise of the legal status-related powers with regard to the court officials by the management board or the management board excluding the non-judicial member of the management board and by the Council for the Judiciary.
3. With regard to judicial officers who also serve as judicial members of the management board, under and pursuant to the Judicial Officers (Legal Status) Act and pursuant to Section 16, subsection 1, second sentence of this Act, the powers conferred on the management board are exercised by the management board excluding that member.
4. Court officials are subject to the terms of employment contained in the most recently concluded collective agreement for civil servants who are employed under an employment contract with the State.

Section 26

1. The management board must adopt a procedure for dealing with complaints.
2. The procedure or any amendment thereto requires the consent of the Council. Sections 10:28 to 10:31 of the General Administrative Law Act apply mutatis mutandis.
3. Consent may be withheld only on account of incompatibility with the law or with the interests of the proper operation of the court.
4. Complaints may not be made concerning actions in respect of which proceedings are or were available from a judicial authority under a form of relief regulated by statute or in respect of which appeal is available or was available against a judgment given in such proceedings. Complaints also cannot relate to court decisions.
5. The regulations must be published in the Government Gazette.
6. Part 9.1.2 of the General Administrative Law Act applies mutatis mutandis.
7. Title 9.2 of the General Administrative Law Act and Section 1a, subsection 2 and Chapter III of the National Ombudsman Act apply mutatis mutandis to court officials, external clerks of the court/registerars, senior court legal assistants, court legal assistants and judges-in-training, with the proviso that, for the mutatis



mutandis application thereof, the designated administrative body is the management board of the court where the court official, external clerk of the court/registrar, senior court legal assistant, court legal assistant or judge-in-training is employed.

Section 27

The court is represented by its president.

Section 28

The court meeting may provide the management board with solicited or unsolicited advice on the performance of the duty referred to in Section 23, subsection 3.

Section 28a

[Repealed on 01/01/2002]

Division 3. Planning and funding

Section 29

1. Subject to the rules referred to in Section 97, subsection 1, the Council must annually allocate a general budget to each court from the central government budget. The Council may attach conditions to the allocation of the budget.
2. In addition to the general budget the Council may provide a court with financial resources for specifically defined activities designed to improve the organisation or procedure of the courts or of a specific court. Subsection 1, second sentence applies mutatis mutandis.

Section 29a

[Repealed on 01/06/1999]

Section 29b

[Repealed on 01/06/1999]

Section 30

As quickly as possible after the communication referred to in Section 101, the Council must inform each court what budget it can provisionally expect for the next budget year, including any conditions attached to the budget. It must also state how the estimated budget has been calculated.

Section 31

1. The management board must adopt an annual plan for the court. This plan must contain:
 - a. a description of the proposed activities for performance of the duties referred to in Section 23, subsection 1 for the year following that in which the plan is adopted;
 - b. a budget for the next budget year;
 - c. a multi-year estimate for at least four years following the budget year.



2. In derogation from Section 17, subsection 2, the management board adopts the annual plan by a majority of votes, including the vote of the president.
3. The Council may issue general directions about the structure of the plan.
4. The management board sends the plan to the Council by a date fixed by the Council.
5. Within the management board the president supervises the implementation of the annual plan.

Section 32

1. The management board must adopt the budget of the court as part of the annual plan in accordance with the budget estimated by the Council as referred to in Section 30.
2. The budget of the court requires the consent of the Council. Sections 10:28 to 10:30 of the General Administrative Law Act apply mutatis mutandis.
3. Consent may be withheld only on account of incompatibility with the law or with the interests of the proper operation of the court.
4. The Council must decide within eight weeks of receipt of the court's budget. Consent is deemed to have been given if no decision has been received from the Council within this time limit.
5. In cases of urgency the management board may incur expenditure before the consent of the Council has been obtained for the relevant budget. The Council must be notified of this without delay.

Section 33

1. As quickly as possible after the adoption of the budget of the Ministry of Security and Justice, the Council must inform each court what budget it is allocating to that court. If the budget differs from the estimated budget referred to in Section 30, the second sentence of that Section applies mutatis mutandis.
2. If the budget differs from the estimated budget referred to in Section 30, the management board will modify the court budget.
3. Decisions to make other amendments to the budget may be made until no later than the end of the budget year concerned.
4. The Council must be immediately informed of the amendments referred to in subsections 2 and 3.
5. The necessary expenditure by the management board must be within the limits of the adopted or amended budget.

Section 34

1. If the consent of the Council has not been obtained for the budget, the management board always requires the Council's consent for expenditure.
2. A request of the management board for consent may be refused by the Council only on account of incompatibility with the law or with the interests of the proper operation of the court. Sections 10:28 to 10:30 of the General Administrative Law Act apply mutatis mutandis.
3. The Council must decide on the request within eight weeks of its receipt. Consent is deemed to have been given if no decision has been received from the Council within this time limit.
4. The Council may attach conditions to the consent.



5. The Council may determine for what items and up to what amount the management board does not require consent.

Section 35

1. The management board must submit a report to the Council every year by a date set by the Council.
2. The report must consist of the financial statements with accompanying budget, the amendments made thereto, the annual report and other financial data.
3. In the financial statements the management board must account for its financial management of the court during the preceding budget year.
4. The financial statements require the consent of the Council. Consent may be withheld only on account of incompatibility with the law. Sections 10:28 to 10:31 of the General Administrative Law Act apply mutatis mutandis.
5. The annual report must describe how the work for which the budget was allocated from the central government budget has been carried out. It must indicate how this work relates to the plan adopted in accordance with Section 31 for the year concerned and to the funding rules as referred to in Section 97, subsection 1 applicable in the year concerned.
6. In derogation from Section 17, subsection 2, the Board adopts the annual plan with a majority of votes, including the president's vote.
7. The Council may provide general directions regarding the structure and contents of the plan.

Section 35a

1. In derogation from Section 4.6, subsection 1 of the Government Accounts Act 2016, the management board may perform juristic acts under private law on behalf of the State if such acts result from the portion of the budget of the Ministry of Security and Justice managed by the board, unless it has been provided by or pursuant to statute that a minister other than Our Minister should perform the juristic act.
2. Section 10:12 of the General Administrative Management Act and Section 4.12, subsections 1 and 4 of the Government Accounts Act 2016 apply mutatis mutandis.

Division 4. Supervision

Section 36

1. The management board must provide the Council, on request, with the information necessary for the performance of its duties.
2. The Council may issue general directions concerning the provision of information if the requested information relates to decisions and acts in the course of the duties referred to in Section 23, subsection 1.

Section 36a

[Repealed on 01/01/2002]



Section 37

A decision of the management board in the performance of its duties as referred to in Section 23, subsection 1 may be set aside by the Council if the decision is manifestly incompatible with the law or the interests of the proper operation of the court. Sections 10:36, 10:37 and 10:38 to 10:45 of the General Administrative Law Act apply mutatis mutandis.

Section 38

1. The Council may propose to Our Minister that he recommend discharge of one or more members of the management board as board members on the grounds of their unsuitability, other than for reasons of ill-health. The Council may propose to Our Minister that he recommend suspension of one or more members of the management board if there are serious grounds to suspect their unsuitability, other than for reasons of ill-health.
2. The discharge or suspension is effected by royal decree on the recommendation of Our Minister.
3. If all members of the management board have been suspended or discharged, the Council may appoint one or more temporary administrators to manage the court concerned. Section 15, subsections 7-10 apply mutatis mutandis. A term must be fixed for the administration when the appointment is made.

Section 39

1. Interested parties may appeal to the Supreme Court against a decree made pursuant to Section 38, subsections 1 and 2.
2. The Supreme Court must assess whether the Crown could reasonably have concluded that the member of the management board was unsuitable, other than for reasons of ill-health, or that there were serious grounds to suspect unsuitability, as the case may be, and whether Our Minister acted in breach of Section 109 in making his recommendation.
3. Chapter 8 of the General Administrative Law Act, with the exception of part 8.1.1 and Sections 8:10, 8:11, 8:13 and 8:86, applies mutatis mutandis to an appeal.

Part 3. The courts

Division 1. General Provisions

Section 40

1. The judicial officers responsible for the administration of justice who are employed at district courts are:
 - a. senior judges A;
 - b. senior judges;
 - c. judges;
 - d. deputy judges;
2. Judicial officers responsible for the administration of justice in one district court are, by automatic operation of law, deputy judges in the other district courts.

Section 41

[Repealed on 01/01/2013]

**Section 42**

The district courts are competent at first instance to hear all civil cases, excluding certain exceptions provided for by statute.

Section 43

The district courts are competent at first instance to hear all administrative cases they have been assigned to hear by statute.

Section 43a

[Repealed on 01/01/2002]

Section 44

The district courts are competent at first instance to hear all tax cases they have been assigned to hear by statute.

Section 45

1. The district courts are competent at first instance to hear all criminal cases, excluding certain exceptions provided for by statute.
2. The district courts are also competent to hear cases involving claims for compensation of expenses and damages for injured parties in criminal cases.

Section 46

The management board of the district court must designate examining magistrates to hear criminal cases from among the judicial officers responsible for the administration of justice who are employed at the court.

Section 46a

1. In the event of a temporary lack of hearing capacity within the district, Our Minister, after having heard the Council, may temporarily designate another district court to which the district court may refer cases belonging to a category to be determined in the designation for hearing and decision.
2. In making the designation, Our Minister decides the period for which the designation applies. The designation applies for a maximum of three years and can be extended once for a maximum period of one year.
3. If the designation relates to criminal cases, the designation will be made only after Our Minister has heard the Board of Procurators General on this subject.
4. The designation must be published in the Government Gazette.
5. The third and fourth subsections apply mutatis mutandis to an extension of the designation.

Section 46b

District courts may refer cases to other district courts to be heard further, if it is deemed advisable, due to the involvement of the district court in question, that the case be heard by a different district court.



Division 2. Establishment and composition of chambers

Section 47

1. The management board of a court must establish single-judge chambers to hear and rule on sub-district court cases, and must determine their composition.
2. The person overseeing the single-judge chamber bears the title of sub-district judge or deputy sub-district judge.

Section 47a

[Repealed on 01/01/2002]

Section 48

1. The management board must establish full-bench chambers for hearing and deciding sub-district court cases as specified in Section 1019j of the Code of Civil Procedure, under the name agricultural tenancies chambers. The management board decides on the composition of these chambers.
2. An agricultural tenancy chamber must consist of two members who are not judicial officers as expert members, and a sub-district court judge. Section 7, subsection 3, and sections 12 and 13 to 13g apply mutatis mutandis to the expert members.

Section 48a

1. The expert members of the agricultural tenancy chambers of the district courts referred to in Section 48, subsection 2 of this Act and their deputies are appointed by royal decree on the recommendation of Our Minister, after the Provincial Executive has been heard. They are appointed as members or deputy members, as the case may be, of the agricultural tenancy chamber.
2. Only Dutch nationals are eligible for appointment as members or deputy members of an agricultural tenancy chamber.
3. The expert members and deputy members of the agricultural tenancy chambers are appointed for a term of five years. They are eligible for reappointment when they retire. They are discharged at their own request by royal decree.
4. When expert members and deputy members are appointed, it is ensured that neither the interests of tenants nor those of landlords predominate in the agricultural tenancy chamber.
5. Before taking up their duties, the expert members and their deputies must take an oath or make an affirmation using the wording recorded in the annexe to this Act. Rules are laid down by order in council for the administration of the oath.
6. An expert member or deputy member of the agricultural tenancy chamber is discharged by royal decree from the first day of the month following that in which he reaches the age of seventy.

Section 48b

1. The provisions of Sections 46c, 46ca, 46d, 46e, 46f and 46i, excluding the provisions contained in subsection 1 (c), 46j, 46l, subsections 1 and 3, 46m, 46o and 46p, of the Judicial Officers (Legal Status) Act apply mutatis mutandis to the expert members of the agricultural tenancy chambers and their deputies, with the proviso that for the mutatis mutandis application of Section 46j or 46o, subsection



2, 'superior' is understood to mean: the management board or the president of the court. In addition, Section 44, subsections 1, 4-8 and 10, and Section 44a, subsections 1-8 and 10 of that Act apply to them mutatis mutandis, with the proviso that the management board of the court is designated as their superior, they will be equated with deputy judges at the same court for the mutatis mutandis application of Section 44, subsections 1 and 7, and the president of the court exercises the power referred to in Section 44, subsection 6 with regard to them.

2. They are reimbursed for their travel and accommodation expenses and receive additional remuneration in accordance with rules laid down by order in council.
3. Rules for the implementation of this Section and Section 48a must be laid down by order in council.

Section 49

The management board of the district court of Gelderland must establish a single-judge chamber to hear and decide military cases at sub-district level and must decide its composition. The person presiding over this chamber bears the title of military sub-district judge.

Section 50

1. The management board must establish single-judge chambers to hear and decide cases in which relief is sought as a matter of urgency and must decide their composition. These chambers may also hear and decide other cases assigned to them by statute.
2. The person presiding over a single-judge chamber as referred to in subsection 1 bears the title of provisional-relief judge.
3. The provisional-relief judge must be addressed by the title of 'president' in interim injunction proceedings as referred to in the Code of Civil Procedure.

Section 51

1. The management board must establish single-judge chambers to hear and decide criminal cases at first instance, other than sub-district cases as referred in Section 47, subsection 1. The management board decides on the composition of these chambers.
2. The person presiding over a single-judge chamber as referred to in subsection 1 bears the title of police court judge.

Section 52

1. The management board must establish single-judge and full-bench chambers, known as 'economic offences chambers', to hear and decide cases concerning economic offences. The management board decides on the composition of these chambers.
2. The person presiding over a single-judge chamber to hear cases involving economic offences bears the title of police court judge for economic offences.

Section 53

1. The management board must establish single-judge chambers to hear and decide cases concerning children.



2. The person presiding over a single-judge chamber to hear children's cases bears the title of juvenile court judge.

Section 54

1. The management board of the district court in The Hague must establish single-judge and full-bench chambers to hear and decide cases under the Military Personnel Act 1931 and must decide their composition.
2. The person presiding over a single-judge chamber as referred to in subsection 1 bears the title of military personnel judge.
3. A full-bench chamber must consist of two judicial officers responsible for the administration of justice and one military member, preferably drawn from the branch of the armed forces to which the appellant belongs or belonged. Section 7, subsection 3 and Sections 12 and 13 to 13g apply mutatis mutandis to the military member. In addition, Section 44, subsections 1, 4-8 and 10, and Section 44a, subsections 1-8 and 10 of the Judicial Officers (Legal Status) Act apply to this member mutatis mutandis, with the proviso that the management board of the court is designated as his superior, this member will be equated with deputies at the same court for the mutatis mutandis application of Section 44, subsections 1 and 7, and the president of the court exercises the power referred to in Section 44, subsection 6 with regard to this member.

Section 55

1. The management board of the district court of Gelderland must establish single-judge and full-bench chambers, known as military chambers, to hear and decide cases as referred to in Section 2 of the Administration of Military Criminal Justice Act. The management board decides on the composition of these chambers.
2. A full-bench chamber must consist of two judicial officers responsible for the administration of justice and one military member, preferably from the branch of the armed forces to which the defendant belongs or belonged. When a case is heard against defendants from different branches of the armed forces the presiding judge of the chamber decides from which branch of the armed forces the military member should be drawn. Section 7, subsection 3 and Sections 12 and 13 to 13g apply mutatis mutandis to the military member. In addition, Section 44, subsections 1, 4-8 and 10, and Section 44a, subsections 1-8 and 10 of the Judicial Officers (Legal Status) Act apply to this member mutatis mutandis, with the proviso that the management board of the court is designated as his superior, this member will be equated with deputies at the same court for the mutatis mutandis application of Section 44, subsections 1 and 7, and the president of the court exercises the power referred to in Section 44, subsection 6 with regard to this member.
3. The person presiding over a single-judge military chamber bears the title of police court judge for military offences.

Section 55a

1. The management board of the district court of The Hague must establish single-judge and full-bench chambers, known as plant breeders' rights chambers, to hear and decide cases as referred to in Section 78, subsections 1 and 2 of the



Seed and Planting Materials Act 2005. The management board decides on the composition of these chambers.

2. A full-bench chamber must consist of two judicial officers responsible for the administration of justice and one lay person who is not a judicial officer as expert member. Section 7, subsection 3 and Sections 12 and 13 to 13g apply mutatis mutandis to the expert member. In addition, Section 44, subsections 1, 4-8 and 10, and Section 44a, subsections 1-8 and 10 of the Judicial Officers (Legal Status) Act apply to this member mutatis mutandis, with the proviso that the management board of the court is designated as his superior, this member will be equated with deputies at the same court for the mutatis mutandis application of Section 44, subsections 1 and 7, and the president of the court exercises the power referred to in Section 44, subsection 6 with regard to this member.

Section 55b

[Repealed on 01/01/2002]

Section 55c

[Repealed on 01/01/2002]

Section 56

The management board of the district court of North Holland must establish single-judge and full-bench chambers, known as customs chambers, to hear and decide cases as referred to in Section 8:2, subsections 2 and 3 of the General Customs Act. The management board decides on the composition of these chambers.

Section 57

[Repealed on 01/01/2002]

Part 4. Courts of appeal

Division 1. General Provisions

Section 58

1. The judicial officers responsible for the administration of justice who are employed at the courts of appeal are:
 - a. senior justices;
 - b. justices;
 - c. deputy justices.
2. The judicial officers responsible for the administration of justice in one court of appeal are, by automatic operation of law, deputy justices at the other courts of appeal.

Section 58a

[Repealed on 01/01/2002]

Section 59

[Repealed on 01/01/2013]



Section 59a

[Repealed on 01/06/1999]

Section 59b

[Repealed on 01/06/1999]

Section 59c

[Repealed on 01/06/1999]

Section 59d

[Repealed on 01/06/1999]

Section 59e

[Repealed on 01/06/1999]

Section 59f

[Repealed on 01/06/1999]

Section 59g

[Repealed on 01/06/1999]

Section 59h

[Repealed on 01/06/1999]

Section 59i

[Repealed on 01/06/1999]

Section 60

1. The courts of appeal rule on appeal on the judgments, orders and rulings in civil, criminal and tax cases against which appeal lies from the district courts in their region.
2. Subsection 1 applies mutatis mutandis to the appealable part of the judgment of a district court in a criminal case that relates to the claim of the injured party if the claim exceeds €1,750.
3. The management board of the court of appeal must designate examining justices to hear criminal cases from among the judicial officers responsible for the administration of justice who are employed at the court of appeal.

Section 60a

[Repealed on 01/01/2005]

Section 61

The courts of appeal are competent to hear jurisdictional disputes at both first and last instance between district courts within their region, with the exception of disputes as referred to in Section 8:9 of the General Administrative Law Act.

Section 61a

[Repealed on 01/01/2002]



Section 61b

[Repealed on 01/01/2002]

Section 62

1. The courts of appeal are competent at both first and last instance to hear appealable civil cases in which the parties have agreed by way of prorogation at the outset of the dispute that they should be instituted before the court of appeal that would have jurisdiction on appeal.
2. Subsection 1 does not apply to cases in which the parties do not have freedom of decision.

Section 62a

1. In the event of a temporary lack of hearing capacity within the region, Our Minister, after having heard the Council, may temporarily designate another court of appeal to which the court of appeal may refer cases belonging to a category to be determined in the designation for hearing and decision.
2. In making the designation, Our Minister decides the period for which the designation applies. The designation applies for a maximum of three years and can be extended once for a maximum period of one year.
3. If the designation relates to criminal cases, the designation will be made only after Our Minister has heard the Board of Procurators General on this subject.
4. The designation must be published in the Government Gazette.
5. The third and fourth subsections apply mutatis mutandis to an extension of the designation.

Section 62b

Courts of appeal may refer cases to other courts of appeal to be heard further, if it is deemed advisable, due to the involvement of the court of appeal in question, that the case be heard by a different court of appeal.

Division 2. Establishment and composition of divisions

Section 63

1. The management board must establish single-judge divisions to hear and decide cases in which relief is sought as a matter of urgency and must decide their composition. These divisions may also hear and decide other cases assigned to them by statute.
2. The person presiding over a single-judge division as referred to in subsection 1 bears the title of provisional-relief judge.

Section 64

The management board must establish single-judge and full-bench divisions, known as economic offences divisions, to hear and decide cases in which a judgment has been given, warrant issued or order made by the economic offences chambers of the district courts. The management board decides on the composition of these divisions.



Section 65

The management board of the court of appeal in Amsterdam must establish single-judge and full-bench divisions, known as customs divisions, to hear and decide on appeal cases in which a judgment has been given by the customs chambers of the North Holland district court. The management board decides on the composition of these divisions.

Section 66

1. The management board of the Amsterdam court of appeal must establish a full-bench division, known as the enterprise division, to hear and decide cases as referred to in Book 2 of the Civil Code, Sections 173 and 217 the Pensions Act, Sections 168 and 211a of the Mandatory Occupational Pension Scheme Act, Section 5 of the European Works Councils Act, Section 26 of the Works Councils Act, Section 36 of the Act on Employee Participation at Schools and Sections 997 and 1000 of the Code of Civil Procedure, and must determine the composition of this division.
2. The enterprise division must consist of three judicial officers responsible for the administration of justice and two lay persons who are not judicial officers as expert members. Section 7, subsection 3, Sections 12 and 13 to 13g of this Act and Sections 46c, 46ca, 46d, 46f and 46i, with the exception of subsection 1(c), 46j, 46l, subsections 1 and 3, 46m, 46o and 46p of the Judicial Officers (Legal Status) Act apply to the expert members *mutatis mutandis*, with the proviso that, for the *mutatis mutandis* application of Section 46j or Section 46o, subsection 2, 'superior' is understood to mean: the management board or the president of the court. In addition, Section 44, subsections 1, 4-8 and 10, and Section 44a, subsections 1-8 and 10 of that Act apply to them *mutatis mutandis*, with the proviso that the management board of the court is designated as their superior, they will be equated with deputies at the same court for the *mutatis mutandis* application of Section 44, subsections 1 and 7, and the president of the court exercises the power referred to in Section 44, subsection 6 in relation to them.
3. The management board of the court of appeal in The Hague must establish a full-bench division to hear and decide cases as referred to in Section 46d (i) of the Works Councils Act, and must determine its composition. The second subsection applies *mutatis mutandis*.
4. The expert members are appointed by royal decree for a term of five years. Deputies may also be appointed.
5. Before taking up their duties, the expert members and their deputies must take an oath or make an affirmation using the wording recorded in the annexe to this Act. Rules are laid down by order in council for the administration of the oath.
6. Rules are to be laid down by order in council concerning court dress, absence and alternation, the reimbursement of their travel and accommodation expenses and further remuneration of the expert members and their deputies.

Section 67

1. The management board of the court of appeal of Arnhem-Leeuwarden must establish a full-bench division to hear and decide cases on appeal as referred to in Sections 6:6:15 and 6:6:37 of the Code of Criminal Procedure and Section 38ag



- of the Criminal Code. The management board must determine the composition of this division.
2. This division is also responsible for the duties assigned to it under Section 43b of the Enforcement of Criminal Judgments (Transfer) Act and Sections 2:11, subsection 3 and 2:27, subsection 4, of the Measures Involving Deprivation of Liberty and Conditional Penalties (Mutual Recognition and Enforcement) Act. This division is also responsible for giving a mandate, as referred to in Section 37a, subsections 6 and 7, of the Criminal Code.
 3. The composition of the division must be increased to include two lay persons who are not judicial officers as expert members to decide cases on appeal as referred to in Sections 6:6:15 and 6:6:37, subsection 1, of the Code of Criminal Procedure. The presiding justice of the division may add these members in other cases. Section 7, subsection 3, Sections 12 and 13 to 13g of this Act and Sections 46c, 46ca, 46d, 46f and 46i, with the exception of subsection 1(c), 46j, 46l, subsections 1 and 3, 46m, 46o and 46p of the Judicial Officers (Legal Status) Act apply to the expert members *mutatis mutandis*, with the proviso that, for the *mutatis mutandis* application of Section 46j or Section 46o, subsection 2, 'superior' is understood to mean: the management board or the president of the court. In addition, Section 44, subsections 1, 4-8 and 10, and Section 44a, subsections 1-8 and 10 of that Act apply to them *mutatis mutandis*, with the proviso that the management board of the court is designated as their superior, they will be equated with deputies at the same court for the *mutatis mutandis* application of Section 44, subsections 1 and 7, and the president of the court exercises the power referred to in Section 44, subsection 6 in relation to them.
 4. The expert members are appointed by royal decree for a term of five years. Deputies may also be appointed.
 5. Before taking up their duties, the expert members and their deputies must take an oath or make an affirmation using the wording recorded in the annexe to this Act. Rules are laid down by order in council for the administration of the oath.
 6. Rules are to be laid down by order in council concerning court dress, absence and alternation, the reimbursement of their travel and accommodation expenses and further remuneration of the expert members and their deputies.

Section 68

1. The management board of the court of appeal in Arnhem-Leeuwarden must establish a full-bench division, known as the military division, to hear and decide cases in which the military chamber of the district court in Gelderland has rendered judgment. The management board must determine the composition of this division.
2. The military division must consist of two judicial officers responsible for the administration of justice and one military member, preferably drawn from the branch of the armed forces to which the defendant belongs or belonged. When a case is heard against defendants from different branches of the armed forces the presiding judge of the division decides from which branch of the armed forces the military member should be drawn. Section 7, subsection 3 and Sections 12 and 13 to 13g apply *mutatis mutandis* to the military member. In addition, Section 44, subsections 1, 4-8 and 10, and Section 44a, subsections 1-8 and 10 of the Judicial



Officers (Legal Status) Act apply to this member *mutatis mutandis*, with the proviso that the management board of the court is designated as his superior, this member will be equated with deputies at the same court for the *mutatis mutandis* application of Section 44, subsections 1 and 7, and the president of the court exercises the power referred to in Section 44, subsection 6 with regard to this member.

3. The military division also rules on complaints about non-prosecution in military cases as referred to in Section 12 of the Code of Criminal Procedure.

Section 69

1. The management board of the Arnhem-Leeuwarden court of appeal must establish a full-bench division, known as the agricultural tenancy division, to hear and decide cases as referred to in Section 1019o, subsection 1, of the Code of Civil Procedure. The management board must determine the composition of this division.
2. The agricultural tenancy division must consist of three judicial officers responsible for the administration of justice and two lay persons who are not judicial officers as expert members. Section 7, subsection 3, and Sections 12 and 13 to 13g apply *mutatis mutandis* to the expert members.

Section 69a

1. The expert members of the agricultural tenancies division of the court of appeal and their deputies are appointed by royal decree on the recommendation of Our Minister. They are referred to as 'council' or 'deputy council' in the agricultural tenancies division of the court of appeal.
2. The provisions of Sections 48a, subsections 2, 3, 4, 5 and 6, and 48b also apply to these members and their deputies.

Section 70

1. The management board of the court of appeal in The Hague must establish a full-bench division, known as the plant breeders' rights division, to hear and decide cases as referred to in Section 78, subsection 3 of the Seed and Planting Materials Act 2005. The management board must determine the composition of this division.
2. The plant breeders' rights division must consist of three judicial officers responsible for the administration of justice and two lay persons who are not judicial officers as expert members. Section 7, subsection 3, and Sections 12 and 13 to 13g apply *mutatis mutandis* to the expert members. In addition, Section 44, subsections 1, 4-8 and 10, and Section 44a, subsections 1-8 and 10 of the Judicial Officers (Legal Status) Act apply to these members *mutatis mutandis*, with the proviso that the management board of the court is designated as their superior, they will be equated with deputies at the same court for the *mutatis mutandis* application of Section 44, subsections 1 and 7, and the president of the court exercises the power referred to in Section 44, subsection 6 in relation to them.

Section 71

The management board of the district court in Arnhem-Leeuwarden must establish single-judge and full-bench divisions to hear and decide cases pursuant to the Traffic



Regulations (Administrative Enforcement) Act and pursuant to Section 154b of the Municipalities Act. The management board decides on the composition of these divisions.

Part 5. Supreme Court

Section 72

1. The Supreme Court must consist of a president, a maximum of seven vice-presidents, a maximum of thirty justices and a maximum of fifteen justices extraordinary.
2. The justices extraordinary serve as justices if called upon to do so by the president.
3. A clerk of the court/registrar must be appointed at the Supreme Court.
4. Court legal assistants and deputy clerks of the court/registrars may be appointed at the Supreme Court.
5. For the purposes of subsection 1 the president, vice-presidents and justices of the Supreme Court who have been granted special unpaid leave must be disregarded for the term of that leave and for a maximum of one year thereafter.
6. For the purposes of subsection 1, judicial officers who have been appointed on a part-time basis are counted on the basis of the fraction represented by their working hours.

Section 73

1. A vice-president will deputise for the president if he is sick or otherwise unable to attend.
2. In the absence of a deputy clerk of the court/registrar, an acting clerk of the court/registrar will deputise for the clerk of the court/registrar if he is sick or otherwise unable to attend.
3. The acting clerks of the court/registrars are appointed by Our Minister on the recommendation of the Supreme Court. Before being summoned by the President of the Supreme Court for the first time, they take an oath or make an affirmation. The wording of the oath or affirmation must be adopted – and further rules about their swearing-in may be laid down – by or pursuant to order in council. Acting clerks of the court/registrars are granted a fee by Our Minister in accordance with rules to be laid down by or pursuant to order in council.
4. An acting clerk of the court/registrar is discharged at his request by Our Minister. Our Minister must give notice of this to the President of the Supreme Court.
5. Our Minister may discharge an acting clerk of the court/registrar:
 - a. if he has not performed the duties of a clerk of the court/registrar for a period of at least three years;
 - b. on the ground of unsuitability, other than for reasons of ill-health, or
 - c. for an act or omission that should not be committed by a person employed by the Supreme Court.

Section 74

The Supreme Court must give an opinion or provide information if so requested by the government.



Section 75

1. The Supreme Court must establish, on the proposal of the president, one or more full-bench divisions and, in the cases prescribed by statute, one or more single-judge divisions and must determine their composition.
2. Save for the exceptions provided for by statute, cases are decided in the Supreme Court by five members of a full-bench division, one of whom acts as presiding justice.
3. The presiding justice of a full-bench division may determine that a case that he deems suitable for this purpose is heard and decided by three members of that division. If the case is deemed by one of these members to be unsuitable for hearing and decision by three members, the hearing must be continued by five members.
4. The Supreme Court must, on the proposal of the president, adopt a set of regulations, laying down the organisation into divisions.
5. The regulations must be published in the Government Gazette.
6. The Supreme Court must adopt regulations for handling complaints. Section 26, subsections 4-6 apply mutatis mutandis.

Section 76

1. The Supreme Court is competent at both first and last instance to hear serious and minor public office offences committed by members of the States General, ministers and state secretaries.
2. Serious and minor public office offences include criminal offences committed in one of the aggravating circumstances referred to in Section 44 of the Criminal Code.
3. In the cases referred to in subsections 1 and 2, the Supreme Court is competent to hear claims by an injured party for costs and damages.
4. The cases referred to in subsections 1 and 2 are heard by ten justices of the Supreme Court. In the event of a tied vote, judgment must be rendered in favour of the defendant.

Section 77

1. The Supreme Court is competent at both first and last instance to hear jurisdictional disputes between:
 - a. district courts, unless Section 61 applies;
 - b. courts of appeal;
 - c. a court of appeal and a district court;
 - d. a court belonging to the judiciary and a court not belonging to the judiciary;
 - e. administrative courts, unless another administrative court has jurisdiction in this matter.
2. If a jurisdictional dispute has arisen between the Supreme Court and another court referred to in subsection 1, the Supreme Court that decides the case must be composed as far as possible of justices who have no prior knowledge of the case.



Section 78

1. The Supreme Court is competent to hear appeals in cassation against the acts, decisions, judgments and orders of the courts of appeal and the district courts, instituted either by a party or, in the interests of the uniform application of the law, by the procurator general at the Supreme Court.
2. Subsection 1 does not apply to the acts and rulings of the district courts in cases which they hear as administrative courts.
3. Subsection 1 also does not apply to acts and decisions either of the district courts or of the Arnhem-Leeuwarden court of appeal in cases concerning the Traffic Regulations (Administrative Enforcement) Act and in cases concerning administrative fines imposed pursuant to Section 154b of the Municipalities Act, subject to the proviso that the Supreme Court will review an application by the procurator general for cassation in the interests of the uniform application of the law.
4. The Supreme Court is competent to hear appeals in cassation against rulings of the administrative courts in so far as this is provided for by statute.
5. The Supreme Court is competent to hear the appeal in cassation instituted in the interests of the uniform application of the law against decisions of the Council regarding the administration of criminal justice and the protection of juveniles, as provided for in Section 32 of the Act Establishing a Council for the Administration of Criminal Justice and Protection of Juveniles.
6. A party may not institute an appeal in cassation if another ordinary legal remedy is or was available to him.
7. Appeal in cassation in the interests of the uniform application of the law may not be instituted if an ordinary legal remedy is available to the parties. Such appeal does not prejudice the rights obtained by the parties.

Section 79

1. The Supreme Court sets aside acts, rulings, judgments and orders:
 - a. on account of a procedural defect in so far as nullity is the express consequence of such defect or such nullity results from the nature of the procedural defect;
 - b. on account of an infringement of the law, with the exception of the law of foreign states.
2. Facts from which the applicability or otherwise of a rule of customary law is inferred are assumed, in so far as they require proof, to have been established only on the basis of the disputed decision.

Section 80

1. A judgment or an order of a sub-district court in civil cases against which no appeal lies or lay may be the subject of an appeal in cassation by a party only on one of the following grounds:
 - a. the judgment or order does not include the grounds for the decision;
 - b. the judgment or, in so far as required by law, the order was not given in public;
 - c. the judge lacked jurisdiction; or
 - d. the judge exceeded his powers.



2. Save for cassation allowed in the interest of the uniform application of the law, a judgment of a sub-district court judge in a criminal case may not be set aside for a procedural defect other than that:
 - a. the judgment does not contain the charge or, in the case of a finding that a charge has been proven, the charge and the grounds on which the judgment is based;
 - b. the decision was not made on the basis of the charge;
 - c. a decision as referred to in Section 358, subsection 3 of the Code of Criminal Procedure was not given or the reasons for this decision were not given; or
 - d. the judgment was not delivered in public.

Section 80a

1. The Supreme Court may, after having heard the procurator general, declare the appeal in cassation inadmissible if the complaints brought forward do not warrant a hearing in cassation, because the party instituting the appeal in cassation manifestly has insufficient interest in such an appeal, or because the complaints manifestly cannot result in cassation.
2. The Supreme Court will not render a decision as specified in the first subsection until it has taken cognisance of the following:
 - a. the introduction of the proceedings, as referred to in Sections 407 and 426a of the Code of Civil Procedure, and the statement of defence, as referred to in Section 411, subsection 1, or Section 426b of said Code, if this has been submitted;
 - b. the written documents containing the grounds for cassation, as referred to in Section 437 of the Code of Criminal Procedure; or
 - c. the notice of appeal based on which the appeal in cassation is instituted, as referred to in Section 28 of the State Taxes Act, and the statement of defence, referred to in Section 29b of said Act, if this has been submitted;
3. The appeal in cassation is heard and decided by three members of a full-bench division, one of whom acts as the presiding judge.
4. If the Supreme Court applies subsection 1, it can, when stating the grounds for its decision, limit its decision to this consideration.

Section 81

1. If the Supreme Court considers that a complaint that has been filed cannot result in cassation and does not necessitate the answering of questions of law in the interests of the uniform application of the law or the development of the law, it may confine itself to this consideration when stating the grounds for its decision.
2. The appeal in cassation is heard and decided by three members of a full-bench division, one of whom acts as the presiding judge.

Section 81a

The Supreme Court is competent to hear requests for preliminary rulings submitted by the district courts and courts of appeal.



Section 82

1. The Supreme Court is responsible for swearing in officials for whom this is required by or pursuant to statute.
2. The duty referred in Section 1 is performed by the president of the Supreme Court. The swearing in occurs on the application of the procurator general.

Section 83

The district courts, courts of appeal and presidents must provide information when this is considered necessary by the Supreme Court for the consideration of a case.

Section 83a

[Repealed on 01/01/2002]

PART 6. COUNCIL FOR THE JUDICIARY

Division 1. Structure

Section 84

1. There is a Council for the Judiciary.
2. The Council must consist of a minimum of three and a maximum of five members.
3. The members of the Council are appointed by royal decree on the recommendation of Our Minister for a term of six years. They may be reappointed once for a term of three years. Prior to being appointed as a Council member, the person concerned is requested to provide a certificate of conduct issued within the last three months and in accordance with the Judicial Information and Criminal Records Act.
4. If the Council consists of three or four members, or five members, as the case may be, two members or three members respectively must be judicial officers responsible for the administration of justice or members of the Central Appeals Tribunal or the Trade and Industry Appeals Tribunal responsible for the administration of justice, who hold their judicial office based on an appointment as specified in Section 5f, subsection 1 of the Judicial Officers (Legal Status) Act. The other members of the Council are not judicial officers responsible for the administration of justice or members of the Central Appeals Tribunal or the Trade and Industry Appeals Tribunal who are responsible for the administration of justice.
5. One of the judicial members is appointed as chairperson of the Council by royal decree on the nomination of Our Minister.
6. A member cannot also serve as:
 - a. a member of a court management board;
 - b. a member of the States General;
 - c. a minister or state secretary;
 - d. vice-president or member of the Council of State;
 - e. president or member of the Court of Audit;
 - f. National Ombudsman or deputy ombudsman
 - g. a civil servant at a ministry or at the institutions, agencies and businesses that come under a ministry;
 - h. a judicial officer as referred to in Section 1, point b(1) and (4) to (9),



- i. a member of the Board of Delegates, as referred to in Section 90.

Section 84a

[Repealed on 01/01/2002]

Section 85

1. Prior to making the recommendation referred to in Section 84, subsection 3, Our Minister must draw up, in agreement with the Council, a list of not more than six persons who appear eligible to fill the relevant vacancy.
2. The list must be made available to a committee of recommendation. This must consist of a president of a court, a representative of the Dutch Association for the Judiciary, a member of the Board of Delegates, the non-judicial member of a court management board and a person designated by Our Minister. The committee is chaired by the president.
3. The committee must recommend not more than three persons from the list. It must send this recommendation to Our Minister no later than eight weeks after the adoption of the list.
4. Further rules concerning the procedure referred to in this Section may be laid down by order in council.

Section 86

1. During their term as members of the Council, the judicial members of the Council will receive, in lieu of the salary in accordance with the provisions under and pursuant to Section 7 of the Judicial Officers (Legal Status) Act, a salary to be fixed by order in council, commensurate with the duties of a chairperson or other judicial member of the Council. Sections 6, 13-15 and 17-19 of the Judicial Officers (Legal Status) Act apply mutatis mutandis.
2. A member of the Council is discharged by royal decree on the recommendation of Our Minister if the member accepts an office or position that is incompatible under Section 84 with membership of the Council. Non-judicial members of the Council must be discharged as members of the Council by royal decree on the recommendation of Our Minister if they are appointed as judicial officers responsible for the administration of justice, members of the Central Appeals Tribunal responsible for the administration of justice, or members of the Trade and Industry Appeals Tribunal responsible for the administration of justice.
3. Judicial members of the Council must be discharged or suspended as members of the Council by royal decree on the recommendation of Our Minister if they are discharged or suspended as judicial officers responsible for the administration of justice or as members of the Central Appeals Tribunal or the Trade and Industry Appeals Tribunal who are responsible for the administration of justice, unless such discharge or suspension only concerns a judicial office which they do not hold based on a role as specified in Section 5f, subsection 1 of the Judicial Officers (Legal Status) Act.
4. Judicial members of the Council are discharged at their own request, effected by royal decree on the recommendation of Our Minister.



5. Non-judicial members of the Council may be subjected to disciplinary action, suspended and discharged by royal decree on the recommendation of Our Minister.
6. With regard to a non-judicial member of the Council, the powers under the Central and Local Government Personnel Act 2017 and Part 10, Book 7 of the Civil Code are exercised by the Council excluding that non-judicial member of the Council. Further rules on the exercise of legal status-related powers with regard to a non-judicial member by the Council excluding the non-judicial member must be laid down by or pursuant to order in council.
7. With regard to a judicial member of the Council, the powers conferred on the court management board under Section 17, subsection 7 and Sections 40, 45 and 46 of the Judicial Officers (Legal Status) Act, as well as the powers in accordance with subsection 1, second sentence of this Section, are exercised by the Council excluding that judicial member. Further rules on the exercise of legal status-related powers by the Council in relation to a judicial member by the Council excluding that judicial member must be laid down by or pursuant to order in council.
8. Further rules on the legal status of the members of the Council, including in any event rules concerning the salaries of the members of the Council, must be laid down by order in council.
9. Section 3(a) of the Central and Local Government Personnel Act 2017 does not apply to a non-judicial member of the Council.

Section 87

1. If the Council consists of three members, it can only take decisions if at least two members are present. If the Council consists of four or five members, it can only take decisions if a minimum of three members are present.
2. The Council must decide by a majority of votes.
3. In the event of a tied vote, the chairperson has the casting vote.
4. The Council must draw up rules on its procedure and decision-making in the form of regulations. The regulations must be sent to Our Minister and published in the Government Gazette.

Section 88

The Council may authorise one or more of its members to exercise one or more of its powers. Part 10.1.1 of the General Administrative Law Act applies mutatis mutandis.

Section 89

1. The Council maintains a secretariat for its support.
2. Civil servants employed by the secretariat are subject to the terms of employment contained in the most recently concluded collective agreement for civil servants who are employed under an employment contract with the State.
3. Further rules are to be laid down by or pursuant to order in council concerning the exercise of legal status-related powers by the Council with regard to the civil service staff of the secretariat.

Section 90

1. There is a Board of Delegates.



2. The Board consists of representatives of the courts, the Central Appeals Tribunal and the Trade and Industry Appeals Tribunal. Further rules are to be laid down by order in council concerning the composition and structure of the Board and the delegation of the members.
3. The Board is tasked with providing the Council with solicited or unsolicited advice on the performance of its duties.
4. The Council must provide the Board, on request, with the information it needs to perform its duties.

Division 2. Duties and powers

Section 91

1. The Council is responsible for:
 - a. preparing the budget for the Council and the courts jointly;
 - b. allocating budgets from the central government budget to the courts;
 - c. supporting operations at the courts;
 - d. supervising the implementation of the budget by the courts;
 - e. supervising operations at the courts;
 - f. nationwide activities relating to the recruitment, selection, appointment and training of court staff.
2. In performing the duties referred to in subsection 1, (c) and (e), the Council must concentrate in particular on:
 - a. information systems and the provision of administrative information;
 - b. accommodation and security;
 - c. the quality of the administrative and organisational procedure of the courts;
 - d. personnel matters;
 - e. other facilities.

Section 92

1. In performing the duties referred to in Section 91, the Council may issue general directions to the management boards of the courts if this is necessary for the proper operation of the courts.
2. Before giving a direction the Council must give the Board of Delegates the opportunity to present its views. In giving the reasons for a direction the Council must indicate how it has taken the views of the Board into account in its assessment.
3. Directions must be published in the Government Gazette.

Section 93

1. Our Minister may issue general directions concerning the performance by the Council of the duties referred to in Section 91, if this is necessary for the proper operation of the courts.
2. Before issuing a direction as referred to in subsection 1, Our Minister must give the Council the opportunity to present its views in writing.
3. Our Minister must give the Council written notice of the proposed direction, including its reasons. Our Minister may set the Council a time limit for presenting its views. The views of the Council must be presented in writing, stating reasons.



4. If the Council takes the view that the direction will infringe Section 109, it must not be issued.
5. Directions must be published in the Government Gazette.
6. Section 8:2, (a) and (b) of the General Administrative Law Act apply mutatis mutandis.

Section 94

The Council is tasked with providing support for activities of the courts aimed at achieving uniform application of the law and promoting legal quality.

Section 95

1. The Council is tasked with advising the government and the States General on generally binding regulations and the policy to be pursued by central government in relation to the administration of justice. The opinions of the Council are adopted after consultation with the courts.
2. Chapter 4 of the Advisory Bodies Framework Act applies mutatis mutandis.

Section 96

1. In performing the duties referred to in Sections 94 and 95, the Council may not involve itself in the procedural aspects or substantive assessment of or the decision in specific cases.
2. In performing the other duties and exercising the powers conferred under or pursuant to this Act, subsection 1 applies mutatis mutandis, with the proviso that the Council also may not involve itself in the procedural aspects or substantive assessment of or the decision a category of case.

Section 96a

The Council adopts regulations for handling complaints. Section 26, subsections 4-6 apply mutatis mutandis.

Division 3. Planning and funding

Section 97

1. Rules concerning the funding of the court sector are to be laid down by order in council. They must in any event include rules on:
 - a. objective measurement of the workload of the courts;
 - b. the reimbursement of the court costs;
 - c. the conditions concerning the activities of the courts and the related workload that may be attached to funding;
 - d. how compliance with the conditions referred to at (c) in the preceding period can be taken into account in relation to the funding;
 - e. the budget system to be applied by the Council and the courts.
2. Before making a proposal for an order in council to be adopted pursuant to subsection 1 Our Minister must give the Council the opportunity to present its views in writing. The explanatory notes to the order in council must indicate to what extent and on what grounds the order departs from the views of the Council.



3. The proposal for an order in council to be adopted pursuant to subsection 1 may be made no earlier than four weeks after the draft has been submitted to both Houses of the States General.
4. The Council must explain in the report referred to in Section 104, subsection 1 how the order in council has been applied. The Council must indicate in this connection how the application of the order relates to the quality of the task performance by the courts and, if necessary, make proposals for changes.

Section 98

1. Subject to the rules referred to in Section 97, subsection 1, the Council must adopt a proposal each year, before the start of the budget year concerned, for a joint budget of the Council and the courts, including the conditions to be attached to the budget to be awarded, and a multi-year estimate for at least four years following the budget year.
2. Before the Council adopts the budget proposal and the multi-year estimate, it must consult with the courts.
3. The Council must send the budget proposal and the multi-year estimate to Our Minister by a date to be determined by Our Minister.
4. In so far as the budget proposal and the multi-year budget pertain to disciplinary complaints which, pursuant to Section 45, subsection 1 of the Bailiffs Act, are processed by the Amsterdam Court of Appeal, the Royal Federation of Bailiffs is heard. In so far as the budget proposal and the multi-year budget pertain to disciplinary complaints which, pursuant to Section 107, subsection 1 of the Notaries Act, are processed by the Amsterdam Court of Appeal, the Royal Notarial Association is heard.
5. Rules concerning the preparation and structure of the budget proposal and the multi-year estimate, including the relevant explanatory notes and schedules, may be laid down by or pursuant to order in council.

Section 99

1. The draft budget as referred to in Section 2.1, subsection 6 of the Government Accounts Act 2016 must be drawn up by Our Minister in conformity with the budget proposal of the Council, unless the circumstance referred to in subsection 3 occurs.
2. If, with a view to the regular and efficient management of central government funds, Our Minister cannot agree with the Council's budget proposal, or part of the proposal, he must inform the Council and hold consultations with the Council about this.
3. If the consultations referred to in subsection 2 fail to produce agreement and Our Minister continues to have strong objections, the budget proposal of the Council, or the relevant part thereof, must be included in amended form in the draft budget, as referred to in Section 2.1, subsection 6 of the Government Accounts Act 2016.
4. In the explanatory notes to the bill, Our Minister must indicate what conditions he proposes to attach to the budget to be allocated pursuant to Section 100. Subsections 1 to 3 apply mutatis mutandis.



Section 100

Subject to the rules referred to in Section 97, subsection 1, Our Minister must allocate a budget annually from the central government budget for the activities of the Council and the courts jointly. Our Minister may attach conditions to the allocation.

Section 101

As quickly as possible after the bill to adopt the budget of the Ministry of Security and Justice has been submitted to the Advisory Division of the Council of State for consideration, Our Minister must notify the Council what budget, including any conditions to be attached to the budget, it can provisionally expect to receive for the next budget year. He must also explain how the estimated budget has been calculated.

Section 101a

[Repealed on 01/01/2002]

Section 102

1. Each year the Council adopts an annual plan for the Council and the courts jointly. This plan must comprise:
 - a. a description of the proposed activities for performance of the duties referred to in Section 91 for the year following that in which the plan is adopted;
 - b. a budget for the next budget year;
2. In so far as the annual plan pertains to disciplinary complaints which, pursuant to Section 45, subsection 1 of the Bailiffs Act, are processed by the Amsterdam Court of Appeal, the Council will adopt the annual plan only after the Royal Federation of Bailiffs has been heard. In so far as the annual plan pertains to disciplinary complaints which, pursuant to Section 107, subsection 1 of the Notaries Act, are processed by the Amsterdam Court of Appeal, the Council will adopt the annual plan only after the Royal Notarial Association has been heard.
3. The Council must adopt the budget in accordance with the estimated budget referred to in Section 101.
4. The Council must send the annual plan to Our Minister by a date to be determined by Our Minister. Our Minister must then send the plan forthwith to both Houses of the States General.
5. Rules concerning the structure of the annual plan may be laid down by or pursuant to order in council.

Section 103

1. As quickly as possible after the adoption of the budget of the Ministry of Security and Justice, Our Minister must notify the Council what budget he is allocating to the Council and the courts jointly. If the budget differs from the estimated budget referred to in Section 101, the second sentence of that Section applies mutatis mutandis.
2. If the budget differs from the estimated budget referred to in Section 101, the Council must amend the budget.
3. Decisions to make other amendments to the budget may be made until no later than the end of the budget year concerned.



4. The necessary expenditure by the Council must be within the limits of the adopted or amended budget.

Section 104

1. The Council must submit a report to Our Minister every year by a date to be determined by Our Minister. Our Minister must then send the report forthwith to both Houses of the States General.
2. In so far as the report pertains to disciplinary complaints which, pursuant to Section 45, subsection 1 of the Bailiffs Act, are processed by the Amsterdam Court of Appeal, the report will be submitted to Our Minister only after the Royal Federation of Bailiffs has been heard. In so far as the report pertains to disciplinary complaints which, pursuant to Section 107, subsection 1, of the Notaries Act are processed by the Amsterdam Court of Appeal, the report will be submitted to our Minister only after the Royal Notarial Association has been heard.
3. The report must consist of the financial statements with accompanying budget, the amendments made thereto, the annual report and other financial data.
4. In the financial statements the Council renders account for the financial management of the Council and the courts jointly in the preceding budget year.
5. The annual report must describe how the work for which the budget was allocated from the central government budget has been carried out. It must also indicate how this work relates to the plan adopted in accordance with Section 102 for the year concerned, the plans referred to in Section 31, subsection 1 and the reports referred to in Section 35, subsection 1.
6. The report must include an opinion on the accuracy and regularity of the accounts, given by an auditor, as referred to in Section 393, subsection 1 of Book 2 of the Civil Code, designated by the Council. The auditor must append to the opinion a report on the audit of the financial management. When engaging an auditor, it must be stipulated that Our Minister is to be allowed, on request, to inspect the auditor's audit reports.
7. Our Minister may issue a direction concerning the scope and frequency of the audits.
8. Rules concerning the structure of the report may be laid down by or pursuant to order in council.

Section 104a

1. In derogation from Section 4.6, subsection 1 of the Government Accounts Act 2016, the Council may perform juristic acts under private law on behalf of the State in so far as such acts result from the part of the budget of the Ministry of Security and Justice managed by it, unless it has been provided by or pursuant to statute that a minister other than Our Minister should perform the juristic act.
2. Section 10:12 of the General Administrative Law Act and Section 4.12, subsections 1 and 4, of the Government Accounts Act 2016 apply mutatis mutandis.



Division 4. Supervision

Section 105

The Council must provide Our Minister, on request, with the information he needs to perform his duties.

Section 106

1. A decision by the Council in the course of its duties as referred to in Section 91 may be set aside by royal decree on the proposal of Our Minister if the decision is incompatible with the law or the interests of the proper operation of the courts. Decisions of the Council as referred to in Section 21a, subsection 1 may be set aside by royal decree on the proposal of Our Minister on the grounds of incompatibility with the law or with the public interest.
2. Sections 8:4 (a), 10:36, 10:37 and 10:38 to 10:45 of the General Administrative Law Act apply mutatis mutandis.

Section 107

1. Our Minister may recommend that one or more members of the Council be discharged as Council member(s) on account of their unsuitability, other than for reasons of ill-health. Our Minister may recommend that the membership of the Council of one or more members be suspended if he has good reason to suspect their unsuitability, other than for reasons of ill-health.
2. The suspension or discharge is effected by royal decree.
3. If all members of the Council have been suspended or discharged, Our Minister may appoint one or more temporary administrators to manage the Council. Section 84, subsection 6 applies mutatis mutandis. A term must be fixed for the administration when the appointment is made.

Section 108

1. An interested party may appeal to the Supreme Court against a decree issued pursuant to Section 107, subsections 1 and 2.
2. The Supreme Court must assess whether the Crown could reasonably have concluded that the member of the management board was unsuitable, other than for reasons of ill-health, or that there were serious grounds to suspect unsuitability, as the case may be, and whether Our Minister acted in breach of Section 109 in making his recommendation.
3. Chapter 8 of the General Administrative Law Act, with the exception of part 8.1.1 and Sections 8:10, 8:11, 8:13 and 8:86, applies mutatis mutandis to such an appeal.

Section 109

In exercising the powers conferred by or pursuant to this Act, Our Minister may not involve himself in the procedural aspects or substantive assessment of or the decision in a specific case or category of case.

Section 110

[Repealed on 01/01/2002]



Chapter 3. Procurator general at the Supreme Court

Section 111

1. There is a procurator general's office at the Supreme Court which is headed by the procurator general at the Supreme Court.
2. The procurator general at the Supreme Court is responsible for:
 - a. prosecuting serious and minor public office offences committed by members of the States General, ministers and state secretaries;
 - b. delivering opinions to be submitted to the Supreme Court in the cases determined by statute;
 - c. instituting appeals in cassation in the interests of the uniform application of the law;
 - d. applying for decisions to be taken by the Supreme Court as referred to in chapter 6A of the Judicial Officers (Legal Status) Act.
3. In cases in which the Supreme Court gives judgment on the merits of a case, the procurator general at the Supreme Court must assume the duties and powers of the public prosecution service referred to in Section 125.
4. The procurator general at the Supreme Court may also be charged with other duties by statute.
5. The powers of the procurator general may also be exercised by the deputy procurator general and by advocates general, unless this would be incompatible with the nature of the powers.

Section 112

[Repealed on 01/01/2002]

Section 113

1. The procurator general's office at the Supreme Court consists of a procurator general, a deputy procurator general, a maximum of twenty-two advocates general and a maximum of eleven advocates general extraordinary.
2. The advocates general extraordinary deliver opinions, in the capacity of advocate general, when called upon to do so by the procurator general. In cases in which the Supreme Court gives judgment on the merits of a case, they assume the duties and powers of the public prosecution service referred to in Section 125.
3. For the purposes of subsection 1, a procurator general, deputy procurator general or advocate general at the Supreme Court who has been granted special unpaid leave must be disregarded for the term of that leave and for a maximum of one year thereafter.
4. For the purposes of subsection 1, judicial officers who have been appointed on a part-time basis are counted on the basis of the fraction represented by their working hours.

Section 114

[Repealed on 01/01/2002]

Section 115

[Repealed on 01/01/2002]



Section 116

The procurator general manages the procurator general's office at the Supreme Court.

Section 117

If the procurator general is absent or unable to act or the position is vacant, he must be replaced by the deputy procurator general or, if he too is absent or unable to act or the position is vacant, by the most senior-ranking advocate general.

Section 118

Our Minister may require the deputy procurator general or an advocate general to deputise for the holder of the office of procurator general.

Section 119

1. Our Minister may, on the recommendation of the procurator general, designate a judicial officer employed at a district court, a court of appeal or an office of the public prosecution service as referred to in Section 2, subsections 1-3 of the Judicial Officers (Legal Status) Act, as deputy advocate general at the Supreme Court. The designation must be for a term to be specified therein. Sections 46c, 46ca, subsection 1(a), 46d, subsection 1 (d) and 46e of the Judicial Officers (Legal Status) Act are applicable mutatis mutandis to the deputy advocate general.
2. A judicial officer working at a district court or court of appeal may be designated as deputy advocate general only with his consent.
3. Deputy advocates general deliver opinions, when acting as advocate general, when called upon to do so by the procurator general. In cases in which the Supreme Court gives judgment on the merits of a case, they assume the duties and powers of the public prosecution service referred to in Section 125.
4. The president of the Supreme Court may, on the recommendation of the procurator general, designate as acting advocate general at the Supreme Court a vice-president of – or justice or justice extraordinary at – the Supreme Court who has agreed thereto.

Section 120

1. Sections 12, 13 and 74 apply mutatis mutandis to the judicial officers referred to in Section 113.
2. Section 83 applies mutatis mutandis to the procurator general at the Supreme Court as regards the performance of the duties referred to in Section 111, subsection 2.
3. The procurator general at the Supreme Court must adopt regulations for handling complaints after having heard the other members of the procurator general's office at the Supreme Court. Section 26, subsections 4-6 apply mutatis mutandis.
4. Sections 13a to 13g apply mutatis mutandis to the judicial officers referred to in Section 111, with the proviso that:
 - a. the powers and obligations conferred on the procurator general under Sections 13a to 13g are exercised by the deputy procurator general if the conduct of the procurator general is at issue;



- b. for the mutatis mutandis application of Section 13b, subsection 1 (b) and (c), 'Section 26 or 75' is understood to mean: Section 120, subsection 3; and
- c. copies of the decision referred to in Section 13f, subsection 3 must be sent to the petitioner, to the judicial officer employed by at the procurator general's office at the Supreme Court to whose conduct the investigation related, and to the procurator general at the Supreme Court.

Section 121

The procurator general at the Supreme Court is responsible for monitoring in particular the enforcement and implementation of statutory provisions at the Supreme Court, the courts of appeal and the district courts.

Section 122

1. If the procurator general at the Supreme Court considers that the Public Prosecution Service is not properly enforcing or implementing the statutory provisions in performing its duties, he may notify Our Minister.
2. The procurator general must, at his request, be provided by the Board of Procurators General with the information he considers necessary and with the relevant documents.

Section 123

The Board of Procurators General must provide the procurator general at the Supreme Court with whatever assistance he requires from the public prosecution service in order to perform the duties with which he is charged.

Chapter 4. Public Prosecution Service

Part 1. Duties and powers

Section 124

The Public Prosecution Service is responsible for enforcing the legal order through the criminal law and for other statutory duties.

Section 125

The duties and powers of the public prosecution service must be performed and exercised, in the manner provided by or pursuant to statute, by:

- a. the Board of Procurators General;
- b. judicial officers, as referred to in Section 1 (b)(6) and (7).

Section 125a

1. If a power is conferred on the public prosecutor by or pursuant to a statute, this power can be exercised by the judicial officers referred to in Section 1 (b)(7) of



this Act, unless this is contrary to the regulations on which the power is based or to the nature of the power.

2. If a power is conferred on the advocate general by or pursuant to a statute, this power can be exercised by the judicial officers referred to in Section 1 (b)(6), unless this is contrary to the regulations on which the power is based or to the nature of the power.

Section 126

1. The exercise of one or more powers of the chief public prosecutor, the deputy chief public prosecutor, the senior public prosecutor A, the senior public prosecutor, the public prosecutor, the deputy public prosecutor, the public prosecutor for single-judge cases, the national chief advocate general, the chief advocate general, the senior advocate general and the advocate general may be assigned to another official employed at the public prosecutor's office, provided the head of the public prosecutor's office has given his consent.
2. The assigned power must be exercised in the name and under the responsibility of the judicial officer referred to in subsection 1.
3. The exercise of a power as referred to in subsection 1 may not be assigned to another official employed at the public prosecutor's office if this would be incompatible with the provision on which the power is based or with the nature of the power. This is in any event deemed to be the case in respect of the appearance at the hearing in criminal cases and application of the coercive measures referred to in Part IV of Book 1 of the Code of Criminal Procedure.
4. Further rules for the application of this Section are to be laid down by order in council.

Section 127

Our Minister may issue general and specific directions concerning the performance of the duties and the exercise of the powers of the public prosecution service.

Section 128

1. Our Minister must give the Board of Procurators General the opportunity to present its views before he issues a direction concerning the exercise of the public prosecution service's duties and powers in a specific case.
2. Our Minister must give the Board written notice of the proposed direction, including the reasons. Our Minister may set the Board a time limit for presenting its views. The views of the Board must be given in writing, stating reasons.
3. A direction as referred to in subsection 1 must be given in writing, including reasons.
4. A direction may be given orally only if it cannot be given in writing because time is of the essence. In that case it must subsequently be recorded in writing as quickly as possible and in any event within one week. The above applies mutatis mutandis to the notification of a proposed direction by Our Minister and to the notification by the Board of its views.
5. The direction referred to in subsection 1, along with the proposed direction and the views of the Board, must be added to the documents in the case by the public prosecutor or the advocate general. They need not be added to the documents in the case if this would, in the opinion of Our Minister, be incompatible with the



interests of the State, provided that in that case a declaration showing that a direction has been given is added to the documents in the case.

6. If Our Minister issues a direction not to investigate or prosecute or to discontinue an investigation or prosecution, he must give notice of the direction, the proposed direction and the views of the Board to both Houses of the States General as quickly as possible, in so far as the provision of the relevant documents is not incompatible with the interests of the State.

Section 129

1. The Board must provide Our Minister with the information he needs.
2. The members of the public prosecution service must provide the Board with the information needed by the Board.

Part 2. Structure

Section 130

1. There is a Board of Procurators General.
2. The Board heads the public prosecution service.
3. The Board consists of at a minimum of three and a maximum of five procurators general. One of the procurators general is appointed by royal decree as chairperson of the Board for a term of not more than three years. He may be reappointed once. He receives an allowance for the work he performs as chairperson, in accordance with rules to be prescribed by order in council, as a supplement to his salary as procurator general. The allowance is granted by Our Minister.
4. A maximum of one of the procurators general referred to in subsection 3 will not be appointed as judicial officers. This procurator general will not be appointed chair of the Board.
5. The procurator general referred to in subsection 4 is appointed, suspended and discharged by royal decree on the recommendation of Our Minister. Section 3 (a) of the Central and Local Government Personnel Act 2017 does not apply to this procurator general.
6. The Board may issue general and specific directions concerning the performance of the duties and the exercise of the powers of the public prosecution service.

Section 131

1. The Board of Procurators General cannot take decisions unless at least three members are present.
2. The Board takes decisions by a majority of votes.
3. In the event of a tied vote, the chairperson has the casting vote.
4. The Board must draw up further rules on its procedure and decision-making in the form of regulations. The regulations and amendments to them require the approval of Our Minister. After approval, the regulations or an amendment to them must be published in the Government Gazette.
5. The regulations must in any event stipulate in what cases the chairperson should submit a proposed decision to Our Minister; these include in any event the decisions referred to in Section 140a of the Code of Criminal Procedure.



Section 132

1. The Board of Procurators General must divide the duties among the procurators general.
2. Our Minister of Justice may allocate certain duties to the chairperson of the Board.

Section 133

1. The Board of Procurators General may authorise a procurator general to exercise one or more of its powers, unless this would be incompatible with the provision on which the power is based or with the nature of the power.
2. The exercise of a power by a procurator general in accordance with subsection 1 occurs in the name and under the responsibility of the Board.
3. The Board may issue general and specific directions concerning the exercise of the power.

Section 134

1. The Public Prosecution Service consists of:
 - a. the National Head Office;
 - b. the public prosecutor's offices at the district courts;
 - c. the National Public Prosecutors' Office;
 - d. the National Office for Serious Fraud, Environmental Crime and Asset Confiscation;
 - e. the Central Processing Office of the Public Prosecution Service;
 - f. the offices of the public prosecution service at the courts of appeal.
2. There is a public prosecutor's office in each of the districts specified in the Judiciary (Territorial Division) Act.
3. In derogation from subsection 2, there is one joint public prosecutor's office for the districts of Gelderland and Overijssel, known as the East Netherlands District Court Public Prosecutor's Office.

Section 135

1. The National Head Office is staffed by:
 - a. the procurators general who constitute the Board;
 - b. other officials.
2. The National Head Office may be staffed by: chief advocates general, senior advocates general, advocates general, deputy advocates general, chief public prosecutors, deputy chief public prosecutors, senior public prosecutors A, senior public prosecutors, public prosecutors, deputy public prosecutors, acting public prosecutors, trainee public prosecutors, public prosecutors in single-judge cases and deputy public prosecutors in single-judge cases.
3. Chief advocates general, senior advocates general, advocates general or deputy advocates general, as referred to in subsection 2 are, by automatic operation of law, deputy advocates general at the offices of the public prosecution service at the courts of appeal.
4. The chief public prosecutor, deputy chief public prosecutor, senior public prosecutor A, senior public prosecutor, public prosecutor, deputy public prosecutor or acting public prosecutor or public prosecutor for single-judge cases or deputy public prosecutor for single-judge cases, as referred to in subsection 2 are, by



automatic operation of law, deputy public prosecutor or deputy public prosecutor for single-judge cases at the public prosecutor's offices at the district courts, the National Office for Serious Fraud, Environmental Crime and Asset Confiscation, the National Public Prosecutors' Office and the Central Processing Office of the Public Prosecution Service.

5. The National Head Office is headed by the Board.
6. The procurators general, with the exception of the procurator general specified in Section 130, subsection 4 are, by automatic operation of law, deputy advocates general at the offices of the public prosecution service at the courts of appeal, deputy public prosecutors at the public prosecutor's offices at the district courts, deputy public prosecutors at the National Public Prosecutors' Office, deputy public prosecutors at the National Office for Serious Fraud, Environmental Crime and Asset Confiscation and deputy public prosecutors at the Central Processing Office of the Public Prosecution Service.

Section 136

1. A public prosecutor's office at a district court is staffed by:
 - a. a chief public prosecutor;
 - b. a deputy chief public prosecutor;
 - c. public prosecutors;
 - d. deputy public prosecutors;
 - e. public prosecutors for single-judge cases;
 - f. deputy public prosecutors for single-judge cases;
 - g. other officials.
2. A public prosecutor's office at a district court may be staffed by:
 - a. senior public prosecutors A;
 - b. senior public prosecutors;
 - c. deputy public prosecutors;
 - d. trainee public prosecutors.
3. A public prosecutor's office at a district court is headed by a chief public prosecutor bearing the title of head of the public prosecutor's office at the district court. He may issue general and specific directions concerning the performance of the duties and exercise of the powers of the office by the officials employed there.
4. In the event of the absence, inability to act or unavailability of the head of the public prosecutor's office at the district court, he is replaced by the deputy chief public prosecutor.
5. The chief public prosecutor, deputy chief public prosecutor, senior public prosecutors A, senior public prosecutors, public prosecutors, deputy public prosecutors and acting public prosecutors or public prosecutors for single-judge cases and deputy public prosecutors for single-judge cases are, by automatic operation of law, deputy public prosecutors or deputy public prosecutors for single-judge cases at the other public prosecutor's offices at the district courts, the National Public Prosecutors' Office, the National Office for Serious Fraud, Environmental Crime and Asset Confiscation, the Central Processing Office of the Public Prosecution Service and the National Head Office.
6. Public prosecutors for single-judge cases and deputy public prosecutors for single-judge cases have the powers and obligations conferred on public prosecutors by



or pursuant to statute, except for the power to act at trials presided over by full-bench chambers at district courts.

Section 137

1. The National Public Prosecutors' Office is staffed by:
 - a. a chief public prosecutor;
 - b. a deputy chief public prosecutor;
 - c. a second deputy chief public prosecutor;
 - d. public prosecutors;
 - e. deputy public prosecutors;
 - f. public prosecutors for single-judge cases;
 - g. deputy public prosecutors for single-judge cases;
 - h. other officials.
2. The National Public Prosecutors' Office may be staffed by:
 - a. senior public prosecutors A;
 - b. senior public prosecutors;
 - c. deputy public prosecutors;
 - d. trainee public prosecutors.
3. The National Public Prosecutors' Office is headed by a public prosecutor with the rank of chief public prosecutor and the title of head of the National Public Prosecutors' Office. He may issue general and specific directions concerning the performance of duties and the exercise of powers of the office by officials employed there. In the event of the absence, inability to act or unavailability of the head of the National Public Prosecutors' Office, he will be replaced by the deputy chief public prosecutor referred to in subsection 1(b).
4. The deputy chief public prosecutor referred to in subsection 1(c) holds the position of National Member at Eurojust. He will hold this position for a minimum of four years. A senior public prosecutor as referred to in subsection 2(b) holds the position of Deputy National Member at Eurojust.
5. The chief public prosecutor, deputy chief public prosecutor, senior public prosecutors A, senior public prosecutors, public prosecutors, deputy public prosecutors and acting public prosecutors or public prosecutors for single-judge cases and deputy public prosecutors for single-judge cases are, by automatic operation of law, deputy public prosecutors or deputy public prosecutors for single-judge cases at the other public prosecutor's offices at the district courts, the National Office for Serious Fraud, Environmental Crime and Asset Confiscation, the Central Processing Office of the Public Prosecution Service and the National Head Office.
6. Public prosecutors for single-judge cases and deputy public prosecutors for single-judge cases have the powers and obligations conferred on public prosecutors by or pursuant to statute, except for the power to act at trials presided over by full-bench chambers at district courts.

Section 137a

1. The National Office for Serious Fraud, Environmental Crime and Asset Confiscation is staffed by:
 - a. a chief public prosecutor;



- b. a deputy chief public prosecutor;
 - c. public prosecutors;
 - d. deputy public prosecutors;
 - e. public prosecutors for single-judge cases;
 - f. deputy public prosecutors for single-judge cases;
 - g. other officials.
2. The National Office for Serious Fraud, Environmental Crime and Asset Confiscation may be staffed by:
 - a. senior public prosecutors A;
 - b. senior public prosecutors;
 - c. deputy public prosecutors;
 - d. trainee public prosecutors.
3. The National Office for Serious Fraud, Environmental Crime and Asset Confiscation is headed by a chief public prosecutor with the title of head of the National Office for Serious Fraud, Environmental Crime and Asset Confiscation. He may issue general and specific directions concerning the performance of the duties and the exercise of the powers of the office by the officials employed there. In the event of the absence, inability to act or unavailability of the head of the National Office for Serious Fraud, Environmental Crime and Asset Confiscation, he is replaced by the deputy chief public prosecutor.
4. The chief public prosecutor, deputy chief public prosecutor, senior public prosecutors A, senior public prosecutors, public prosecutors, deputy public prosecutors and acting public prosecutors or public prosecutors for single-judge cases and deputy public prosecutors for single-judge cases, are, by automatic operation of law, deputy public prosecutors or deputy public prosecutors for single-judge cases at the public prosecutor's offices at the district courts, the National Public Prosecutors' Office, the Central Processing Office of the Public Prosecution Service and the National Head Office.
5. Public prosecutors for single-judge cases and deputy public prosecutors for single-judge cases have the powers and obligations conferred on public prosecutors by or pursuant to statute, except for the power to act at trials presided over by full-bench chambers at district courts.

Section 137b

1. The Central Processing Office of the Public Prosecution Service is staffed by:
 - a. a chief public prosecutor;
 - b. a deputy chief public prosecutor;
 - c. public prosecutors;
 - d. deputy public prosecutors;
 - e. public prosecutors for single-judge cases;
 - f. deputy public prosecutors for single-judge cases;
 - g. other officials.
2. The Central Processing Office of the Public Prosecution Service may be staffed by:
 - a. senior public prosecutors A;
 - b. senior public prosecutors;
 - c. deputy public prosecutors;
 - d. trainee public prosecutors.



3. The Central Processing Office of the Public Prosecution Service is headed by the chief public prosecutor with the title of head of the Central Processing Office of the Public Prosecution Service. He may issue general and specific directions concerning the performance of the duties and exercise of the powers of the office by the officials employed there.
4. In the event of the absence, inability to act or unavailability of the head of the Central Processing Office of the Public Prosecution Service, he is replaced by the deputy chief public prosecutor.
5. The chief public prosecutor, deputy chief public prosecutor, senior public prosecutors A, senior public prosecutors, public prosecutors, deputy public prosecutors and acting public prosecutors or public prosecutors for single-judge cases and deputy public prosecutors for single-judge cases are, by automatic operation of law, deputy public prosecutors or deputy public prosecutors for single-judge cases at the public prosecutor's offices at the district courts, the National Public Prosecutors' Office, the National Office for Serious Fraud, Environmental Crime and Asset Confiscation and the National Head Office.
6. Public prosecutors for single-judge cases and deputy public prosecutors for single-judge cases have the powers and obligations conferred on public prosecutors by or pursuant to statute, except for the power to act at trials presided over by full-bench chambers at district courts.

Section 138

1. An office of the public prosecution service at a court of appeal is staffed by:
 - a. a national chief advocate general;
 - b. four chief advocates general;
 - c. advocates general;
 - d. deputy advocates general;
 - e. other officials.
2. An office of the public prosecution service at the court of appeal may be staffed by senior advocates general and trainee public prosecutors.
3. An office of the public prosecution service at the court of appeal is headed by the national chief advocate general bearing the title of head of the office of the public prosecution service at the court of appeal. He may issue general and specific directions concerning the performance of the duties and exercise of the powers of the office by the officials employed there. In the event of the absence, inability to act or unavailability of the head of an office of the public prosecution service at a court of appeal, he is replaced by a chief advocate general employed at the office.
4. The national chief advocate general, chief advocates general, senior advocates general, advocates general and deputy advocates general are, by automatic operation of law, deputy advocates general at the National Head Office.

Section 139

1. The heads of the public prosecutor's offices are subordinate to the Board in performing their duties.
2. The other officials employed at a public prosecutor's office are subordinate to the head of the office in performing their duties.



3. The officials employed at the National Head Office are subordinate to the Board in performing their duties.

Section 139a

The Board may instruct the heads of public prosecutor's offices at the district courts designated by the Board to perform duties related to the organisation and operations of these offices jointly under the supervision of a chief public prosecutor designated for this purpose.

Section 139b

1. The Board must adopt a set of regulations specifying the criminal offences for which the public prosecutor at the National Public Prosecutors' Office or the public prosecutor at the National Office for Serious Fraud, Environmental Crime and Asset Confiscation will, in accordance with Section 2, subsection 1, penultimate or last sentence, of the Code of Criminal Procedure, initiate prosecutions at the District Court of Amsterdam, the District Court of East Brabant, the District Court of Overijssel or the District Court of Rotterdam.
2. Before adopting the regulations, the Board will give the Council the opportunity to present its views on a draft of the regulations.

Part 3. Other Provisions

Section 140

[Repealed on 01/01/2002]

Section 141

[Repealed on 01/01/2002]

Section 142

Our Minister may order judicial officers as referred to in Section 1(b)(5) to (7) to deputise for other officials at the Public Prosecution Service.

Section 143

The judicial officers referred to in Section 142 are required to provide information at the request of the procurator general at the Supreme Court, pursuant to Section 122, subsection 2.

Section 144

Section 13 applies mutatis mutandis to the judicial officers referred to in Section 142.

Chapter 5. Training of judicial officers

Section 145

1. Our Minister may appoint judges-in-training and trainee public prosecutors.
2. Rules must be prescribed by order in council concerning the selection and training of judges-in-training and trainee public prosecutors.



Chapter 6. Transitional and Final Provisions

Section 146

This Act is to be cited as: the Judiciary (Organisation) Act.

We hereby order and command that this Act be published in the Government Gazette and that all ministries, authorities, colleagues and officers diligently implement it.

Done in Brussels, on the eighteenth of April 1827, and of Our government the fourteenth.
WILLEM.

On behalf of the King,
J. G. DE MEY VAN STREEFKERK.

Published on the twenty-seventh of April 1827.

The State Secretary,
J. G. DE MEY VAN STREEFKERK.