
GENERAL ADMINISTRATIVE LAW ACT

An English translation of the General Administrative Law Act
of the Netherlands

Ministry of Justice
Ministry of Home Affairs
Kingdom of the Netherlands

The Hague, February 1994

INTRODUCTION

The government of the Netherlands is at present engaged in a major legislative effort to codify the general part of administrative law. The first two stages of the resulting General Administrative Law Act have entered into effect on January 1st, 1994.

The Ministries of Justice and of Home Affairs, who share responsibility for the Act, are of the opinion that such a modern codification of the general part of administrative law could be of considerable interest to students and practitioners of administrative law in other countries. It was therefore decided to make the text of the Act accessible to foreign readers by means of an English translation¹. To help foreign readers understand the full significance of the Act, a few introductory remarks are in order.

In the Netherlands, as in most Western countries, substantive administrative law is to be found chiefly in hundreds of Acts of Parliament and thousands of regulations and local and provincial bye-laws. More often than not, these legal instruments offered widely divergent solutions to what were essentially general questions of administrative law. In many cases they even differed in the assumptions they made about general principles and fundamental concepts of administrative law.

To be sure, over the post-war decades a number of general principles and concepts of administrative law were developed, both by scholars and by the courts. Indeed, were it not for the great progress the study of administrative law has made in the last twenty years, The General Administrative Law Act would not have been possible.

Before the promulgation of the Act, however, the courts were unable to fully implement newly developed general doctrines of administrative law, because they remained bound by widely divergent provisions in specific legislation. Moreover, "the courts", in this context refers not to a single integrated hierarchy of courts, but to a patchwork of general and specialized courts operating independently of each other. Like many other countries, the Netherlands have long known administrative courts which are separate and distinct from the ordinary courts. But unlike the administrative courts in France or Germany, these did not constitute an integrated hierarchy which paralleled the ordinary courts. Instead, there were half a dozen or more administrative courts or court-hierarchies, each sovereign in its own sphere, while the ordinary courts also exercised jurisdiction in some administrative law cases. As a result, our case law was no more coherent and unified than was our legislation.

This state of affairs resulted in considerable confusion, legal uncertainty and needless complexity in the field of administrative law. To remedy this, article 107 of the new Constitution adopted by the Netherlands in 1983 enjoined the legislator to promulgate general rules of administrative law. To prepare the necessary legislation, a Commission was established, consisting of senior civil servants and leading authorities on administrative law. The Commission was chaired by M. Scheltema, Professor of Administrative Law at the University of Groningen, who was appointed Government Commissioner for the general rules of administrative law. The latter appointment gave the project a special status, for a Government Commissioner reports directly to the ministers concerned and,

¹ The translation was prepared by Roger Greenwood of the Dutch Ministry of Foreign Affairs, and edited by Nico Verheij, senior counsel at the Ministry of Justice and secretary to the Scheltema Commission.

unlike a civil servant, has the right to speak in Parliament on legislation within his area of responsibility.

In 1987, the Scheltema Commission published a draft General Administrative law Bill, which, with some changes, was introduced into Parliament in 1989 and became law in 1992. It entered into effect on January 1st, 1994.

Meanwhile, the Dutch government, partly on the advice of another Commission, decided in 1989 to reorganize and rationalize the Dutch court system. One of the aims of this reorganization was the integration of the administrative courts with the ordinary courts. Henceforth, administrative cases would be decided by administrative sections of the ordinary courts.

In early 1992, a Bill was introduced to implement the first stage of these reforms. It provided for the institution of administrative sections of the ordinary courts of first instance (the organization of the appellate courts will be decided upon around the turn of the century), the referral of most administrative cases to these sections, and a uniform Code of Procedure, to be used by both the new administrative sections and the remaining separate administrative courts. This Code became Chapter 8 of the General Administrative Law Act.

The General Administrative Law Act then, is the result of not one, but two major legislative operations. Neither of these operations is finished. Because of the scope and complexity of the legislation required, both operations are divided into several stages. The text of the Act as it lies before you therefore represents a transitional stage in the development of Dutch administrative law. Neither the codification of the general part of administrative law nor the reorganization of the judiciary is completed. Legislation for further stages of both operations is now being prepared.

In late 1991, the Scheltema Commission has published a draft Bill for the third stage of the codification of administrative law (the uniform Code of Procedure for administrative courts is designated the second stage). A Bill based on this draft has, in accordance with constitutional requirements, been laid before the Council of State. It will probably be introduced in Parliament in mid-1994.

The second stage of the reorganization of the judiciary involves reorganization of the civil and criminal courts of first instance and the reform of civil procedure. The relevant legislation is now being prepared of the Ministry of Justice. Beyond that, the Scheltema Commission is already working on a fourth stage of the General Administrative Law Act. Finally, legislation on the third and final stage of the reorganization of the judiciary is planned for the late nineties.

The text which lies before you contains the first two stages of the General Administrative Law Act. This text represents the major effort now being made to provide the Netherlands with a system of administrative law fit for the 21st century.

Questions concerning the General Administrative Law Act may be addressed to:

Ministry of Justice of the Netherlands
Directorate-General for Legislation
Staff Division for Legislative Policy
P.O. Box 20 301
2500 EH The Hague
The Netherlands

GENERAL ADMINISTRATIVE LAW ACT

CHAPTER 1 INTRODUCTORY PROVISIONS

Title 1.1 Definitions and scope

Section 1:1

1. Administrative authority means:

- (a) an authority of a legal person which has been established under public law, or
- (b) another person or body corporate which is invested with any public authority.

2. The following authorities, persons and bodies are not deemed to be an administrative authority:

- (a) the legislature;
- (b) the upper and lower houses and the joint session of Parliament;
- (c) independent authorities established by Act of Parliament and charged with the administration of justice;
- (d) the Council of State and its divisions;
- (e) the General Chamber of Audit;
- (f) the National ombudsman and the deputy ombudsmen;
- (g) the chairmen, members, registrars, and secretaries of the authorities referred to at (b) to (f) above, the Procurator General and the Advocates General at the Supreme Court and the committees composed of members of the authorities referred to at (b) to (f) above.

3. An authority, person or body corporate excluded under the provisions of subsection 2 is nonetheless deemed to be an administrative authority in so far as it makes orders or performs acts in relation to a public servant not appointed for life, as referred to in section 1 of the Central and Local Government Personnel Act, his surviving relatives or his successors in title.

Section 1:2

1. Interested party means the person whose interest is directly affected by an order.

2. As regards administrative authorities, the interests entrusted to them are deemed to be their interests.

3. As regards legal persons, their interests are deemed to include the general and collective interests which they specially represent in accordance with their objects and as evidenced by their actual activities.

Section 1:3

1. Order means a written ruling of an administrative authority constituting a juristic act under public law.
2. Decision means an order which is not of a general nature, including refusal of an application for such an order.
3. Application means a request by an interested party for an order.

Section 1:4

1. Administrative court means an independent authority established by Act of Parliament and charged with the administration of justice in administrative matters.
2. A court forming part of the judicature is deemed to be an administrative court in so far as chapter 8, the Administrative Justice (Taxes) Act or the Traffic Regulations (Administrative Enforcement) Act - chapter VIII excluded - applies.

Section 1:5

1. Making an objection means making use of a power conferred by statutory regulation to seek redress against an order by from the administrative authority which made the order.
2. Lodging an administrative appeal means making use of an power conferred by statutory regulation to seek redress against an order from an administrative authority other than the one which made the order.
3. Lodging an appeal means lodging an administrative appeal or an appeal to an administrative court.

Section 1:6

This Act does not apply to:

- (a) the investigation and prosecution of criminal offences or to the execution of rulings under criminal law;
- (b) the execution of measures depriving persons of their liberty pursuant to the Aliens Act;
- (c) the execution of other measures depriving persons of their liberty in an institution primarily dedicated to the execution of rulings under criminal law;
- (d) to orders and actions implementing the Military Disciplinary Law Act.

Title 1.2 Implementation of binding decisions of authorities of the European Communities

Section 1:7

1. If, pursuant to any statutory regulation, an opinion must be sought or external consultation must be held by an administrative authority regarding an order before such an order can be made, such provision shall not apply if the sole purpose of the proposed

order is to implement a binding order of the Council or the Commission of the European Communities.

2. Subsection 1 shall not apply to requirements to obtain the opinion of the Council of State.

Section 1:8

1. If, pursuant to any statutory regulation, notice of the draft of an order must be given by an administrative authority before such an order can be made, such provision shall not apply if the sole purpose of the proposed order is to implement a binding order of the Council or the Commission of the European Communities.

2. Subsection 1 shall not apply to the presentation of the draft of an order in council or ministerial regulation:

(a) to Parliament if it has been provided by Act of Parliament that the wish may be expressed by or on behalf one of the Houses of Parliament or by a number of members thereof that the subject or the entry into force of such an order in council or ministerial regulations be regulated by Act of Parliament, or

(b) section 21.6, subsection 7, of the Environmental Management Act or section 33 of the Pollution of Surface Waters Act applies.

Section 1:9

This title shall apply *mutatis mutandis* to Bills.

CHAPTER 2 DEALINGS BETWEEN INDIVIDUALS AND ADMINISTRATIVE AUTHORITIES

Part 2.1 General provisions

Section 2:1

1. In looking after his interests in dealings with administrative authorities, anyone may be assisted or may be represented by an agent.
2. An administrative authority may require an agent to produce a written authorisation.

Section 2:2

1. An administrative authority may refuse to allow assistance or representation by a person against whom there are grave objections.
2. The interested party and the person referred to in subsection 1 shall be immediately notified in writing of the refusal.
3. Subsection 1 shall not apply to attorneys-at-law and procurators.

Section 2:3

1. An administrative authority shall send documents which clearly come within the competence of another administrative authority to such authority without delay and shall at the same time give notice thereof to the sender.
2. An administrative authority shall return as quickly as possible to the sender documents which are not intended for it and are also not passed on to another authority.

Section 2:4

1. An administrative authority shall perform its duties without prejudice.
2. An administrative authority shall ensure that persons belonging to it or working for it do not influence the decisions if they have a personal interest in the order to be made.

Section 2:5

1. Anyone who is involved in the performance of the duties of an administrative authority and in the process obtains access to information which he knows or should reasonably know is of a confidential nature and who is not already subject to a duty of secrecy by virtue of his office or profession or by statutory regulation shall be bound not to disclose such information, unless he is obliged to disclose the same by virtue of any statutory regulation or disclosure is necessary in consequence of his duties.
2. Subsection 1 shall also apply to institutions and persons belonging to them or working for them which are involved by an administrative authority in the performance of its duties, and to institutions and persons belonging to them or working for them which perform a duty assigned to them by or pursuant to Act of Parliament.

CHAPTER 3 GENERAL PROVISIONS ON ORDERS

Part 3.1 Introductory provisions

Section 3:1

1. Only parts 2 to 5 inclusive of this chapter shall apply to orders containing generally binding regulations and such parts shall apply only in so far as they are not incompatible with the nature of the orders.

2. Parts 2 to 5 inclusive of this chapter shall apply *mutatis mutandis* to acts of administrative authorities other than orders, in so far as they are not incompatible with the nature of the acts.

Part 3.2 Duty of care and weighing of interests

Section 3:2

When preparing an order an administrative authority shall gather the necessary information concerning the relevant facts and the interests to be weighed.

Section 3:3

An administrative authority shall not use the power to make an order for a purpose different from that for which it was conferred.

Section 3:4

1. In making an order an administrative authority shall weigh the interests directly involved, in so far as no limitation is placed on this duty by a statutory regulation or by the nature of the power to be exercised.

2. The adverse consequences of an order for one or more interested parties may not be disproportionate in relation to the purposes served by the order.

Part 3.3 Provision of advice

Section 3:5

For the purposes of this part adviser means a person or body corporate that is charged by or pursuant to statutory regulation with advising on orders to be made by an administrative authority and does not work under the responsibility of the administrative authority concerned.

Section 3.6

If the adviser is not required by statutory regulation to provide his opinion within a given period, the administrative authority may indicate within what period an opinion is expected. This period may not be so short that the adviser is unable to discharge his duties properly.

Section 3:7

1. The administrative authority to which the opinion is submitted shall provide the adviser, at his request or otherwise, with the information needed to enable him to discharge his duties properly.

2. Section 10 of the Government Information (Public Access) Act shall apply *mutatis mutandis*.

Section 3:8

The name of the adviser who has provided the opinion shall be stated in or with the order.

Section 3:9

If an order is based on an investigation carried out by an adviser into facts and actions, the administrative authority shall satisfy itself that the investigation was carried out in a careful manner.

Part 3.4 Public preparatory procedure

Section 3:10

1. The procedure for the preparation of orders as regulated in this part shall be followed if provided for by statutory regulation or by order of the administrative authority.

2. The regulations of part 4.1. 1 regarding decisions shall also apply to other orders which are made on application and which are prepared in accordance with this part.

Section 3:11

1. The administrative authority shall deposit the application for an order or the draft of an order to be made on its own initiative or on application, together with the documents relating thereto, for a period of at least four weeks for inspection by those persons who are to be given the opportunity pursuant to section 3:13 to state their views.

2. Section 10 of the Government Information (Public Access) Act shall apply *mutatis mutandis*. If certain documents are not deposited for inspection pursuant to this provision this shall be mentioned.

3. A copy of the documents deposited for inspection shall be provided at no more than cost price.

4. In so far as not provided otherwise by statutory regulation, the deposit for inspection shall in any event take place at the office of the administrative authority.

Section 3:12

1. Notice of the application or the draft shall be given in one or more daily or weekly newspapers or free sheets or in any other suitable way prior to the deposit of the application for inspection. Only the substance of the application need be stated.

2. If it concerns an order of an administrative authority forming part of the central government the notice shall in any event be placed in the Government Gazette, unless provided otherwise by statutory regulation.

3. The notice shall state where and when the documents will be deposited for inspection, who is to be given the opportunity to state his views and in what way this can be done pursuant to section 3:13.

Section 3:13

1. Interested parties may state their views on the application or the draft either in writing or orally, at their discretion.

2. It may be provided by statutory regulation or by the administrative authority that other persons too are to be given the opportunity to state their views either orally or in writing, at their discretion.

3. The period within which a view may be stated shall not end until the last day of the period of the deposit for inspection.

4. In the case of an order made on application, the applicant shall if necessary be given the opportunity to respond to the views stated.

5. A record shall be kept of that which is stated orally pursuant to the above subsections.

Part 3.5 Extensive public preparatory procedures

Paragraph 3.5 General

Section 3:14

The procedure for the preparation of orders as regulated in paragraphs 3.5.2 to 3.5 and paragraph 3.5.6 shall be followed if provided for by statutory regulation or by order of the administrative authority.

Section 3:15

By or pursuant to the statutory regulation referred to in section 3:14 or the order referred to therein administrative authorities may be designated which:

- (a) must be given the opportunity to give an opinion on the making of an order, or
- (b) must be involved in the preparatory procedures in some other way.

Paragraph 3.5.2 Filing of the application: admissibility**Section 3:16**

The provisions of part 4.1.1 regarding decisions shall also apply to other orders which are made on application and which are prepared in accordance with this part.

Section 3:17

1. The administrative authority shall immediately note the date of receipt on the document by which the application is filed.

2. It shall immediately send the applicant a confirmation of receipt stating this date.

3. It shall immediately send the other administrative authorities involved a copy of the application and of the accompanying documents, stating the date of receipt.

Section 3:18

1. The power referred to in section 4:5 not to process an application on the grounds that it is incomplete may be exercised only if the applicant has been given the opportunity to amplify the application within eight weeks of receipt of the application.

2. Requests to amplify an application and orders not to process an application shall be communicated to the other administrative authorities involved.

3. If an administrative authority processes an application despite its being incomplete, it shall make a note of this on the document by which the application is filed. If the applicant has been given the opportunity to amplify the application, the administrative authority shall state in such note the period prescribed for this pursuant to section 4:5.

Paragraph 3.5.3. The draft of the order**Section 3:19**

1. The administrative authority shall prepare a draft of the order as quickly as possible. Unless section 3:29 has been applied, the administrative authority shall send the draft to the applicant and the other administrative authorities involved no later than twelve weeks after receipt of the application.

2. No later than two weeks after the sending of the draft as referred to in subsection 1 notice of the draft shall be given at the same time by:

(a) deposit for inspection;

(b) notice in one or in one or more daily or weekly newspapers or free sheets in such a way that the intended object is achieved as far as possible;

(c) notice in the Government Gazette in cases where an authority of the central or provincial government is the administrative authority.

Section 3:20

1. With the notices referred to in section 3:19, subsection 2, the administrative authority shall at least state:

- (a) the substance of the application and the essence of the draft of the order;
- (b) where and when the documents may be inspected;
- (c) who has been given the opportunity to submit their reservations of the draft and how and within what period this may be done;
- (d) that a person who submits reservations in writing may request that his personal particulars are not stated.

2. The administrative authority shall also communicate this information to the applicant and the other administrative authorities involved.

Section 3:21

1. The following shall be deposited for inspection with the draft of the order:

- (a) a copy of the application with the accompanying documents;
- (b) if there has been prior consultation on the application, a report thereof;
- (c) the reports and opinions which have been prepared in connection with the draft, in so far as it is reasonable to assume that they are necessary for an assessment of the draft;
- (d) a list of the reports and opinions not deposited for inspection and, in so far as it is reasonable to assume that they are necessary for an assessment of the draft, of orders previously made on the same subject which are still in effect, together with a statement of where and when these documents may be inspected.

2. The administrative authority shall amplify the documents deposited for inspection by means of new relevant documents and information, including in any event the opinions and reservations submitted in accordance with paragraph 3.5.4 and the records of the reservations submitted orally and exchanges of views on the draft.

3. Section 10 of the Government Information (Public Access) Act shall apply *mutatis mutandis* unless provided otherwise by Act of Parliament. If certain documents are not deposited for inspection, this shall be stated.

Section 3.22

1. The documents may be inspected during working hours for four weeks from the date on which the draft of the order is deposited for inspection. During this period the documents may also be inspected on request for at least three consecutive hours per week outside working hours. On request an oral explanation shall be given free of charge within this period.

2. After the period of four weeks the documents shall be deposited for inspection at the hours determined by the administrative authority until the period within which an appeal may be lodged against the order has expired.

3. A copy of the documents deposited for inspection shall be provided at no more than cost price.

Paragraph 3.5.4 Opinions and reservations

Section 3:23

1. The administrative authorities acting as advisers shall send their opinion to the administrative authority within four weeks of the date on which the draft is deposited for inspection.

2. The administrative authority shall send a copy of each opinion as quickly as possible to the applicant and the other administrative authorities acting as advisers.

Section 3:24

1. Anyone may submit written reservations to the administrative authority within four weeks of the date on which the draft is deposited for inspection.

2. The date of receipt shall be noted on the document.

3. The administrative authority shall send a copy of each submitted reservation as quickly as possible to the applicant and the other administrative authorities acting as advisers.

4. The personal particulars of a person who has submitted written reservations shall, if he so requests, not be disclosed. The request shall be filed in writing, with a note stating the particulars referred to in the first sentence, with the administrative authority.

Section 3:25

1. During the period referred to in section 3:24, subsection 1, anyone shall, on request, have the opportunity to exchange ideas on the draft of the order and to make oral criticisms of it. The administrative authority shall give the applicant the opportunity to be present on such occasions.

2. A record shall be kept of reservations submitted orally and of any exchange of ideas; this record shall indicate the substance of each reservation and the name and address of the person making it.

3. The record shall be sent as quickly as possible but in any event within two weeks to the applicant, the administrative authorities acting as advisers and those who have submitted oral reservations.

Section 3:26

It may be provided in the statutory regulation or order referred to in section 3:14 that the right to submit reservations and to have an exchange of ideas on the draft of the order may be exercised only by a category of persons designated therein, including in any event the interested parties.

Section 3:27

When publishing the order the administrative authority shall state its considerations on the reservations submitted.

Paragraph 3.5.5 Ruling on the application

Section 3:28

The administrative authority shall make its order on the application as quickly as possible but, unless section 3:29 has been applied, no later than six months after receipt the application.

Section 3:29

1. If the application concerns a very complicated or controversial subject, the administrative authority may, within eight weeks of receipt of the application, extend the periods referred to in sections 3:19, subsection 1, second sentence, and 3:28 for such reasonable period as it may determine in each case. Before making such a ruling, it shall give the applicant the opportunity to express his views on this.

2. When an order for extension is published, notice shall at the same time be given to the other administrative authorities involved.

3. The administrative authority shall give notice of the order for extension and of the filed application no later than ten weeks after receipt of the application, for which purpose sections 3:19, subsection 2, 3:20, subsection 1, (a) and (b), en 2, 3:21 and 3:22 shall apply *mutatis mutandis*.

Paragraph 3.5.6 Orders to alter or repeal an order, and other orders to be made on the administrative authority's own initiative

Section 3:30

1. If an administrative authority intends to make an order to alter on repeal an order previously made or to make an order of its own initiative, it shall prepare a draft of the order and give notice thereof, for which purpose section 3:19, subsection 2, (b) and (c), shall apply *mutatis mutandis*. It may be provided in the statutory regulation or order referred to in section 3:14 that sections 3:19, subsection 2, (a) and (b) and 3:21 shall apply *mutatis mutandis*.

2. Before applying subsection 1, the administrative authority shall give written notice to the other administrative authorities involved and, if it concerns an order to alter or repeal another order, to the person to whom the order to be altered or repealed was addressed, unless provided otherwise by statutory regulation or order as referred to in section 3:14. It shall at the same time give them the opportunity to prepare an opinion or express their views, as the case may be, on the intention within a period to be determined by the authority.

3. If the intention is based on a request, the notice referred to in subsection 2 shall also be sent to the person who made the request. Section 3:44, subsections 3 and 5, shall apply *mutatis mutandis*.

Section 3:31

1. In the notice referred to in section 3:30, subsection 1, the administrative authority shall at least state:

- (a) the substance of the draft of the order and a brief statement of the grounds thereof;
- (b) who is to be given the opportunity to submit their reservations of the draft and how and within what period this may be done;
- (c) that a person who submits reservations in writing may request that his personal particulars are not disclosed;
- (d) if section 3:30, subsection 1, second sentence, has been applied: where and when the documents may be inspected.

2. If it concerns an order to alter or repeal another order, the administrative authority shall also communicate this information to the person to whom the order to be altered or repealed was addressed, the other administrative authorities involved and, if a request for alteration or repeal has been made, the person who made the request. Section 3:44, subsections 3 and 5, shall apply *mutatis mutandis*.

Section 3:32

1. Anyone may submit written reservations of the draft of an order to the administrative authority within two weeks of the notice referred to in section 3:30, subsection 1. Sections 3:24, subsections 2 and 4 and 3:26 shall apply *mutatis mutandis*.

2. The administrative authority shall, as quickly as possible send a copy of every submitted reservation to the administrative authorities acting as advisers and, if it concerns an order for alteration or repeal, to the person to whom the order to be altered or repealed was addressed.

Section 3:33

1. The administrative authority shall make an order for alteration or repeal or an order not to alter or repeal another order as quickly as possible but in any event sixteen weeks of the date on which it has given the notice referred to in section 3:30, subsection 2, to the person to whom the order to be altered or repealed was addressed.

2. Notwithstanding the provisions of subsection 1, an order that is not preceded by a notice as referred to in section 2:30, subsection 2, shall be made within eight weeks of the notice referred to in subsection 1 of that section.

Part 3.6 Publication and communication

Section 3:40

An order shall not take effect until it is published.

Section 3:41

Orders which are addressed to one or more interested parties shall be published by being sent or issued to such persons, including the applicant.

Section 3:42

Orders which are not addressed to one or more interested parties shall be published by means of a notice of the order or the substance thereof placed in an official publication

issued by the authorities or in daily or weekly newspaper or free sheet or in any other suitable way.

Section 3:43

1. When an order is published or as soon as possible thereafter, it shall be communicated to the persons who stated their views on it during the preparation. It shall in any event be communicated to an adviser as referred to in section 3:5 if the order departs from the opinion.

2. If part 3.4 has been applied in connection with the preparation of an order, the communication referred to in subsection 1 may be made in the same way as that in which notice is given of the application or of the draft of the order in accordance with section 3:12, subsections 1 and 2.

3. When an order is communicated, the communication shall also state when and how the order was published.

Section 3:44

1. When orders prepared in accordance with the procedures of part 3.5 are published, they shall at the same time be communicated to the other administrative authorities involved.

2. No later than two weeks after the publication the administrative authority shall communicate the order:

(a) in accordance with the provisions of section 3:19, subsection 2, and

(b) by sending a copy of the order to the persons who submitted reservations of the draft of the order.

3. Notwithstanding subsection 2 (b), the administrative authority may:

(a) if the size of the order so warrants, simply communicate to each of the persons referred to therein the essence of the order and the considerations about his reservations;

(b) if a reservation has been submitted by more than five persons in the same document, simply send a copy to the five persons whose names and addresses are mentioned first in that document;

(c) if a reservation has been submitted by more than five persons in the same document and the size of the order so warrants, simply communicate to the five persons whose names and addresses are mentioned first in that document the essence of the order and the considerations on this reservations;

(d) if the order should be communicated to more than 250 people, not send the communication.

4. With the publication and the communications referred to in subsections 1, 2 and 3, the administrative authority shall also state:

(a) the date on which a copy of the order was deposited for inspection and the hours and the place at which the documents are available for inspection;

(b) whether alterations to the draft are contained in the order;

(c) if subsection 3 has been applied, that this has happened and the reasons for it.

5. If subsection 3 has been applied, the persons who have submitted reservations of the draft of the order may request the administrative authority to send them a copy of the order. The possibility of this shall be stated in the communication of the order in accordance with subsections 2 and 3. This request shall be granted within two weeks,

unless the administrative authority considers that it is not reasonable to require the order to be sent.

6. The documents may be inspected during working hours for six weeks from the day on which a copy of the order is deposited for inspection. During this period the documents may also be inspected on request for at least three consecutive hours per week outside working hours. On request an oral explanation shall be given free of charge within this period. A copy of the documents deposited for inspection shall be provided at no more than cost price.

7. Subsection 2 (a) - in so far as it concerns application of section 3:19, subsection 2, (b) and (c) - and subsection 6, second sentence, shall not be applicable in relation to an order refusing a request to make an order as referred to in section 3:30, subsection 1, if the order was not preceded by a notice as referred to in that subsection.

Section 3:45

1. If an objection may be made or an appeal may be lodged against an order, this shall be stated with the publication and the communication of the order.

2. At the same time it shall be stated by whom, within what period and with which authority an objection may be made or an appeal may be lodged.

CHAPTER 4 SPECIAL PROVISIONS ON ORDERS

Title 4.1 Decisions

Part 4.1.1 The application

Section 4:1

Unless provided otherwise by statutory regulation, the application for a decision shall be lodged in writing with the administrative authority which is competent to decide on the application.

Section 4:2

1. The application shall be signed and shall contain at least:
 - (a) the name and the address of the applicant;
 - (b) the date;
 - (c) a description of the decision applied for.
2. The applicant shall also supply the information and documents which are required for a decision on the application and which it is reasonable to expect him to be able to obtain.

Section 4:3

1. The applicant may refuse to supply information and documents in so far as their importance to the decision of the administrative authority is outweighed by the importance of respect for privacy, including protection of medical and psychological examination results, or by the importance of protecting business and manufacturing data.
2. Subsection 1 shall not apply to information and documents designated by statutory regulation as having to be supplied.

Section 4:4

The administrative authority which is competent to decide on the application may specify a form to be used when lodging applications and supplying information, in so far as this is not provided for by statutory regulation.

Section 4:5

1. If the applicant has not complied with any statutory regulation governing the lodging of the application or if the information and documents supplied are insufficient to allow the application to be assessed or the decision to be prepared, the administrative authority may decide not to process the application, provided that the applicant has been given the opportunity to amplify the application within such period as may be prescribed by the administrative authority.
2. If the application or any of the information or documents pertaining to it is stated in a language other than Dutch and a translation is necessary in order to allow the application to be assessed or the decision to be prepared, the administrative authority may decide not

to process the application, provided that the applicant has been given the opportunity to amplify the application by means of a translation within such period as may be prescribed by the administrative authority.

3. If the application or any of the information or documents pertaining to it is sizeable or complicated and a summary is necessary in order to allow the application to be assessed or the decision to be prepared, the administrative authority may decide not to process the application, provided that the applicant has been given the opportunity to amplify the application by means of a summary within such period as may be prescribed by the administrative authority.

4. A decision not to process the application shall be published to the applicant within four weeks of the application being amplified or, of the expiry without being used of the period prescribed for this purpose.

Section 4:6

1. If a new application is made after a decision has been given dismissing all or part of an application, the applicant shall be obliged to state new facts that have emerged or circumstances that have altered.

2. If no new facts or altered circumstances stated reported, the administrative authority may, without applying section 4:5, dismiss the application by referring to its earlier decision dismissing the application.

Part 4.1.2 The preparation

Section 4:7

1. Before an administrative authority dismisses all or part of an application for a decision, it shall give the applicant the opportunity to make known his views if:

(a) the dismissal is based on information about facts and interests relating to the applicant, and

(b) this information differs from information supplied by the applicant himself in the matter.

2. Subsection 1 shall not apply if the difference in the information can be of only minor importance to the applicant.

Section 4:8

1. Before giving a decision about which an interested party who has not applied for the decision can be expected to have reservations, an administrative authority shall give that interested party the opportunity to make known his views if:

(a) the decision is based on information about facts and interests relating to the applicant, and

(b) this information was not supplied by the interested party himself in the matter.

2. Subsection 1 shall not apply if the interested party has not complied with a statutory obligation to supply information.

Section 4:9

For the purposes of sections 4:7 and 4:8, the interested party may make known his views either in writing or orally.

Section 4:10

If part 3.4 or is applied to implement sections 4:7 and 4:8, the administrative authority shall inform the applicant and the person to whom the decision will be addressed of this.

Section 4.11

The administrative authority may refrain from applying sections 4:7 and 4:8 in so far as:

- (a) the need for expedition precludes this;
- (b) the interested party has already been given the opportunity to make known his views in connection with a previous decision or to another administrative authority and no new facts or circumstances have occurred since then, or
- (c) the purpose of the decision can be achieved only if the interested party is not informed of this beforehand.

Section 4:12

1. The administrative authority may also refrain from applying sections 4:7 and 4:8 in the case of a decision which determines a financial obligation or claim if:

- (a) an objection may be made or an administrative appeal may be lodged against that decision, and
- (b) the adverse consequences can be completely nullified after objection or administrative appeal.

Part 4.1.3 Decision period

Section 4:13

1. A decision shall be given within the period prescribed by statutory regulation or, in the absence of such a provision, within a reasonable period after receipt of the application.

2. The reasonable period referred to in subsection 1 shall in any event expire if the administrative authority has not taken a decision or given notice as referred to in section 4:14 within eight weeks.

Section 4:14

If no period is prescribed by statutory regulation and a decision cannot be given within eight weeks, the administrative authority shall notify the applicant accordingly and shall at the same time state a reasonable period within which the decision can be expected.

Section 4:15

The period within which a decision must be given shall be stayed from the day on which the administrative authority requests the applicant to amplify the application

pursuant to section 4:5 until the day on which the application is amplified or the period prescribed for this purpose has expired without being used.

Part 4.1.4 *Reasons*

Section 4:16

A decision shall be based on proper reasons.

Section 4:17

1. The reasons shall be stated when the decision is published.
2. If possible, the statutory regulation on which the decision is based shall be stated at the same time.
3. If, in the interests of speed, the reasons cannot be stated when the decision is published, the administrative authority shall give notice of them as soon as possible thereafter.

Section 4:18

1. The reasons need not be stated if it is reasonable to assume that they are not required.
2. If, however, an interested party requests within a reasonable period to be informed of the reasons he shall be notified of them as quickly as possible.

Section 4:19

To explain the reasons of a decision or part of a decision, it is sufficient to refer to an opinion prepared in this connection if the opinion itself contains the reasons and notice of the opinion has been or will be given to the interested parties.

Section 4:20

If the administrative authority makes a decision which departs from an opinion prepared for this purpose pursuant to a statutory regulation, this fact and the grounds for it shall be stated in the reasons of the decision.

CHAPTER 6 GENERAL PROVISIONS ON OBJECTIONS AND APPEALS

Part 6.1 Introductory provisions

Section 6:1

Chapters 6 and 7 shall apply *mutatis mutandis* if provision has been made for the possibility of an objection or an appeal against actions of administrative authorities other than orders.

Section 6:2

For the purposes of statutory regulations governing objections and appeals, the following shall be equated with an order:

- (a) a written refusal to make an order, and
- (b) a failure to make an order in good time.

Section 6:3

No objection or appeal shall lie against a ruling regarding the procedure for the preparation of an order unless this ruling directly affects the interests of the party interested independently of the order to be prepared.

Part 6.2 Other general provisions

Section 6:4

1. An objection shall be made by the lodging of a notice of objection with the administrative authority which made the order.
2. An administrative appeal shall be lodged by the lodging of a notice of appeal with the appeal authority.
3. An appeal to an administrative court shall be lodged by the lodging of a notice of appeal with that court.

Section 6:5

1. The notice of objection or appeal shall be signed and shall contain at least:
 - (a) the name and the address of the person lodging it;
 - (b) the date;
 - (c) a description of the order against which the objection or appeal is brought;
 - (d) the grounds of the objection or appeal.
2. A copy of the order to which the dispute relates shall if possible be lodged with the notice of objection.
3. If the notice of objection or appeal is stated in a foreign language and a translation is necessary for the proper processing of the objection or appeal, the person lodging it shall arrange for a translation.

Section 6:6

If section 6:5 or any other requirement prescribed by Act of Parliament for the processing of the objection or appeal has not been complied with, the objection or appeal may be held to be inadmissible provided that the person lodging it has had the opportunity to remedy the omission within a period set for this purpose.

Section 6:7

The period for lodging a notice of objection or appeal shall be six weeks.

Section 6:8

The period shall start on the day after that on which the order is published in the prescribed manner.

Section 6:8

1. The period shall start on the day after that on which the order is published in the prescribed manner.

2. The period for the lodging of a notice of objection against an order against which administrative appeal may only be lodged by one or more specified interested parties shall start on the day after that on which the appeal period has expired without being used.

3. The period for the lodging of a notice of appeal against an order which is subject to approval shall start on the day after that on which the order approving that order has been published in the prescribed manner.

Section 6:9

1. A notice of objection or appeal shall be deemed to have been lodged in good time if it has been received before the end of the period.

2. If it is sent by mail a notice of objection or appeal shall be deemed to have been lodged in good time if it is posted before the end of the period, provided it is received no later than a week after the period has expired.

Section 6:10

1. A notice of objection or appeal lodged before the start of the period shall not be held to be inadmissible on this ground if at the time it was lodged:

(a) the order had already been made, or

(b) the order had not yet been made but it was reasonable for the person lodging the notice to suppose that it had been.

2. The processing of the objection or appeal may be deferred until the start of the period.

Section 6:11

A notice of objection or appeal lodged after the end of the period shall not be held to be inadmissible on this ground if it cannot reasonably be held that the person lodging it was in default.

Section 6:12

1. If the objection or appeal is brought against a failure to make an order in good time it shall not be subject to any time-limit.

2. Notice of objection or appeal may be lodged as soon as the administrative authority fails to make an order in good time.

3. The notice of objection or appeal shall be held to be inadmissible if it is lodged unreasonably late.

Section 6:13

No appeal may be lodged against an order made in respect of an objection or an administrative appeal if the interested party can reasonably be held responsible for not having made an objection or lodged an administrative appeal against the original order.

Section 6:14

1. The authority with which a notice of objection or appeal is lodged shall acknowledge the receipt thereof in writing.

2. The authority with which the notice of appeal has been lodged shall give notice thereof as soon as possible to the administrative authority which made the disputed order.

Section 6:15

1. If a notice of objection or appeal is lodged with an administrative authority or an administrative court which lacks jurisdiction, the notice shall, after the date of receipt has been noted on it, be transmitted as soon as possible to the competent authority or court, and the sender shall be notified at the same time.

2. Subsection 1 shall apply *mutatis mutandis* if a notice of appeal is lodged instead of a notice of objection or *vice versa*.

3. The time at which the notice of objection or appeal is lodged with the authority lacking jurisdiction shall be decisive in determining whether it has been lodged in good time if:

(a) section 3:45 or section 6:23 has not been applied properly;

(b) the objection or appeal is brought against the failure to make an order in good time, or

(c) the person lodging the notice could be unsure about the authority's jurisdiction for some other reason.

Section 6:16

The objection or appeal shall not stay the operation of the order against which it is brought unless provided otherwise by or pursuant to statutory regulation.

Section 6:17

If someone appoints another to represent him, the authority which is competent to decide on the objection or appeal shall in any event send the documents relating to the case to the agent.

Section 6:18

1. The fact that an objection or appeal is pending against an order shall not alter an existing power to repeal or alter that order which would also exist if no such objection or appeal has been pending.

2. If an administrative authority repeals or alters a disputed order, it shall immediately communicate this to the authority before which the objection or appeal is pending.

3. After the repeal or alteration the administrative authority may not, while the objection or appeal is pending, make any order corresponding to the original order in content or tenor, unless:

(a) this is justified by altered circumstances and;

(b) the administrative authority would also have the power to do so if no such objection or appeal had been pending.

4. If an administrative authority makes an order as referred to in subsection 3 it shall immediately communicate it to the authority before which the objection or appeal is pending.

Section 6:19

1. If an administrative authority has made an order as referred to in section 6:18, the objection or appeal shall be deemed to have also been lodged against the new order, unless this order completely satisfies the objection or appeal.

2. The ruling on the objection or appeal against the new order may, however, be referred to another authority before which an objection or appeal against the new order is pending or can or could be lodged.

3. The disputed order may be quashed after its repeal if this would be in the interest of the person lodging the notice of objection or appeal.

Section 6:20

1. If the objection or appeal is brought against the failure to make an order in good time, the administrative authority shall remain obliged to make an order in respect of the application.

2. The provisions of subsection 1 shall not apply:

(a) during the period that the objection is pending;

(b) after the ruling on the objection or appeal if as a result thereof the person lodging it no longer has any interest in an order in respect of the application.

3. If the administrative authority makes an order in respect of the application, it shall immediately communicate this to the authority before which the objection or appeal against the failure to make an order in good time is pending.

4. The objection or appeal shall be deemed to be also lodged against the order in respect of the application, unless the order completely satisfies the objection or appeal.

5. The ruling on the objection or appeal against the order in respect of the application may, however, be referred to another authority before which an objection or appeal against the order in respect of the application is pending or can or could be lodged.

6. The objection or appeal against the failure to rule on the application may still be held to be well-founded if this would be in the interest of the person making the objection or lodging the appeal.

Section 6:21

1. The objection or appeal may be retracted in writing.
2. It may also be retracted orally during the hearing.

Section 6:22

An order against which an objection has been made or an appeal has been lodged may, despite an infringement of a procedural rule, be upheld by the authority which rules on the objection or appeal if it is found that the infringement has not prejudiced the interests of the interested parties.

Section 6:23

1. If an appeal may be lodged against the ruling on the objection or appeal, this shall be stated with the publication of the ruling.
2. At the same time, it shall be stated by whom, within what period and with which authority an appeal may be lodged.

Section 6:24

1. With the exception of section 6:12, this part shall apply *mutatis mutandis* if an appeal to a higher court or an appeal in cassation may be lodged.
2. Notwithstanding section 6:4, an appeal in cassation shall be lodged by the lodging of a notice of appeal with the court against whose judgment the appeal is brought.

CHAPTER 7 SPECIAL PROVISIONS ON OBJECTIONS AND ADMINISTRATIVE APPEALS

Part 7.1 Objection preceding appeal to an administrative court

Section 7:1

1. A person who has the right to appeal against an order to an administrative court shall make an objection against the order before appealing, unless the order:

- (a) has been made in respect of an objection or an administrative appeal;
- (b) is subject to approval;
- (c) contains the approval of an order or refusal of that approval, or
- (d) was prepared in accordance with one of the procedures regulated in part 3.5.

2. An appeal may be lodged against the ruling on the objection in accordance with the regulations which govern the lodging of an appeal against the order against which the objection was made.

Part 7.2 Special provisions on objections

Section 7:2

1. Before an administrative authority rules on an objection, it shall give the interested parties the opportunity to be heard.

2. For this purpose the administrative authority shall in any event notify the person who has lodged the notice of objection and the interested parties who expressed their views when the order was being prepared.

Section 7:3

Interested parties need not be heard if:

- (a) the objection is manifestly inadmissible;
- (b) the objection is manifestly ill-founded;
- (c) the interested parties have stated that they do not wish to exercise their right to be heard;
- (d) the objection is completely satisfied and the interests of other interested parties have not been prejudiced as a result.

Section 7:4

1. Interested parties may submit further documents until ten days before the hearing.

2. The administrative authority shall deposit the notice of objection and all other documents relating to the case for inspection by interested parties for at least a week prior to the hearing.

3. The notice to attend the hearing shall draw the attention of interested parties to subsection 1 and state when and where the documents will be deposited for inspection.

4. Interested parties may obtain copies of these documents at no more than cost price.

5. Subsection 2 need not be applied in so far as the interested parties agree to this.

6. The administrative authority may also refrain from applying subsection 2, either at the request of an interested party or otherwise, in so far as there are compelling reasons for secrecy. Notice shall be given of the application of this provision.

7. Compelling reasons shall in any event not exist if there is an obligation under the Government Information (Public Access) Act to grant a request for information contained in such documents.

8. If the compelling reason is fear of damage to the physical or mental health of an interested party, inspection of the relevant documents may be restricted to an agent who is either an attorney-at-law or a physician.

Section 7:5

1. Unless the hearing is conducted by or partly by the administrative authority itself or by the chairman or a member thereof, the hearing shall be conducted by:

- (a) a person who was not involved in the preparation of the disputed order, or
- (b) two or more persons of whom the majority, including the person chairing the hearing, were not involved in the preparation of the disputed order.

2. Unless provided otherwise by statutory regulation, the administrative authority shall decide whether the hearing takes place in public.

Section 7:6

1. Interested parties shall be heard in one another's presence.

2. Interested parties may be heard separately either on the initiative of the administrative authority or at their request if it is reasonable to assume that a joint hearing would prejudice the proper conduct of the proceedings or that facts or circumstances will become known during the hearing which should be kept secret for compelling reasons.

3. If interested parties are heard separately, each of them shall be informed of the matters dealt with during the hearing when he was not present.

4. The administrative authority may also refrain from applying subsection 3, either at the request of an interested party or otherwise, if there are compelling reasons for secrecy. Section 7:4 subsection 6, second sentence, and 7 and 8, shall apply *mutatis mutandis*.

Section 7:7

A record shall be kept of the hearing.

Section 7:8

1. At the request of the interested party witnesses and experts whom he has brought with him may be heard.

2. The costs of witnesses and experts shall be borne by the interested party who has brought them with him.

Section 7:9

If, after the hearing, facts or circumstances which may be of importance to the ruling to be given on the objection become known to the administrative authority, this shall be communicated to the interested parties, and they shall be given the opportunity to be heard on the subject.

Section 7:10

1. The administrative authority shall give a ruling within six weeks of receipt of the notice of objection, or within ten weeks if a committee as referred to in section 7:13 has been established.

2. The period shall be stayed with effect from the day on which the person who has lodged the notice of objection the appeal is requested to remedy an omission as referred to in section 6:6, until the day on which the omission has been remedied or the period prescribed for this purpose has expired without being used.

3. The administrative authority may postpone the ruling for a maximum of four weeks. The postponement shall be communicated in writing.

4. Further postponement shall be possible if the person who has lodged the notice of objection agrees to this and the interests of other interested parties would not be prejudiced by this or such parties have agreed to this.

Section 7:11

1. If the objection is admissible, the disputed order shall be reconsidered on the basis thereof.

2. If the reconsideration provides grounds for doing so, the administrative authority shall repeal the disputed order and, if necessary, make a new order replacing it.

Section 7:12

1. The ruling on the notice of objection shall be based on proper reasons, which must be stated when the ruling is published. If it has been decided not to have a hearing pursuant to section 7:3, it shall also be stated on what grounds this has been done.

2. The ruling shall be published by being sent or issued to the persons to whom it is addressed. If it concerns an order which is not addressed to one or more interested parties, the ruling shall be published in the same way as that in which that order was published.

3. As soon as possible after the ruling has been published, it shall be communicated to the interested parties who expressed their views in the objection procedure or when the disputed order was being prepared.

4. Section 6:23 shall apply *mutatis mutandis* to the communication referred to in subsection 3, which will also state, with a view to the start of the appeal period, as clearly as possible when the publication of the ruling took place in accordance with subsection 2.

Section 7:13

1. This section shall apply if an advisory committee has been established to for the ruling to be made on the objection and:

- (a) the committee consists of a chairman and at least two members;
- (b) the chairman of the committee is not part of or employed under the responsibility of the administrative authority, and
- (c) the committee complies with any other requirements which may be prescribed by statutory regulation.

2. The acknowledgement of receipt referred to in section 6:14 shall state that a committee will advise on the objection.

3. The hearing shall be conducted by the committee. The committee may direct that the hearing is to be conducted by the chairman or a member who is not part of or employed under the responsibility of the administrative authority.

4. The committee shall decide on the application of section 7:4, subsection 6, of section 7:5, subsection 2, and, in so far as not provided otherwise by statutory regulation, of section 7:3.

5. An agent of the administrative authority shall be invited to attend the hearing and shall be given the opportunity to explain the position of the administrative authority.

6. The opinion of the committee shall be in made writing and shall include a report of the hearing.

7. If the ruling on the objection differs from the opinion of the committee, the reasons why the opinion was not followed shall be stated in the ruling and the opinion shall be sent with the ruling.

Section 7:14

Parts 3.4 and 3.5, sections 3:41 to 3:45, and chapter 4, with the exception of section 4:19, shall not apply.

Section 7:15

No fee shall be payable for the processing of an objection.

Part 7.3 Special provisions on administrative appeals

Section 7:16

1. Before an appeal authority rules on an appeal it shall give the interested parties the opportunity to be heard.

2. The appeal authority shall in any event notify the person who has lodged the notice of appeal as well as the administrative authority which made the order and the interested parties who expressed their views when the order was being prepared or in the objection procedure.

Section 7:17

Interested parties need not be heard if:

- (a) the appeal is manifestly inadmissible; or
- (b) the appeal is manifestly ill-founded, or

(c) the interested parties have stated that they do not wish to exercise their right to be heard.

Section 7:18

1. Interested parties may submit further documents and items of evidence until ten days before the hearing.

2. The appeal authority shall deposit the notice of appeal and all other documents relating to the case for inspection by interested parties for at least a week prior to the hearing.

3. The notice to attend the hearing shall draw the attention of interested parties to subsection 1 and shall state when and where the documents will be deposited for inspection.

4. Interested parties may obtain copies of these documents at no more than cost price.

5. Subsection 2 need not be applied in so far as the interested parties agree to this.

6. The appeal authority may also refrain from applying subsection 2, either at the request of an interested party or otherwise, in so far as there are compelling reasons for secrecy. Notice shall be given of the application of this provision.

7. Compelling reasons shall in any event not exist if there is an obligation under the Government Information (Public Access) Act to grant a request for information contained in such documents.

8. If the compelling reason is fear of damage to the physical or mental health of an interested party, inspection of the relevant documents may be restricted to an agent who is either an attorney-at-law or a physician.

Section 7:19

1. The hearing shall be conducted by the *appeal* authority.

2. The conduct of the hearing may be delegated by or pursuant to Act of Parliament to an advisory committee consisting of one or more members who are not part of or employed under the responsibility of the appeal authority.

3. The hearing shall be conducted in public, unless the appeal authority decides otherwise at the request of an interested party or, if there are compelling reasons, on its own initiative.

Section 7:20

1. Interested parties shall be heard in one another's presence.

2. Interested parties may be heard separately either on the initiative of the appeal authority or at their request if it is reasonable to assume that a joint hearing would prejudice the proper conduct of the proceedings or that facts or circumstances will become known during the hearing which should be kept secret for compelling reasons.

3. If interested parties are heard separately, each of them shall be informed of the matters dealt with during the hearing when he was not present.

4. The appeal authority may also refrain from applying subsection 3, either at the request of an interested party or otherwise, if there are compelling reasons for secrecy. Section 7:18, subsections 6, second sentence, and 7 and 8, shall apply *mutatis mutandis*.

Section 7:21

A record shall be kept of the hearing.

Section 7:22

1. At the request of the interested party witnesses and experts whom he was brought with him may be heard.

2. The costs of witnesses and experts shall be borne by the interested party who has brought them with him.

Section 7:23

If, after the hearing, facts or circumstances which may be of importance to the ruling to be given on the appeal become known to the appeal authority, this shall be communicated to the interested parties and they shall be given the opportunity to be heard on the subject.

Section 7:24

1. The appeal authority shall give a ruling within sixteen weeks of receipt of the notice of appeal.

2. If, however, the appeal authority belongs to the same legal person as the administrative authority against whose order the appeal is brought, it shall give a ruling within six weeks of receipt of the notice of appeal or, if a committee as referred to in section 7:19, subsection 2, has been established, within ten weeks.

3. The period shall be stayed with effect from the day on which the person who has lodged the notice of appeal is requested to remedy an omission as referred to in section 6:6, until the day on which the omission has been remedied or the period prescribed for this purpose has expired without being used.

4. The appeal authority may postpone the ruling for a maximum of eight weeks.

5. In the case referred to in subsection 2, however, the appeal authority may postpone the ruling for a maximum of four weeks.

6. The postponement shall be communicated in writing.

7. Further postponement shall be possible if the person who has lodged the notice of appeal agrees to this and the interests of other interested parties would not be prejudiced by this or such parties have agreed to this.

Section 7:25

In so far as the appeal authority considers that the appeal is admissible and well-founded, it shall quash the disputed order and, if necessary, make a new order replacing it.

Section 7:26

1. The ruling on the appeal shall be based on proper reasons, which must be stated when the ruling is published. If it has been decided not to have a hearing pursuant to section 7:17, it shall also be stated on what grounds this has been done.

2. If the ruling differs from the opinion of a committee as referred to in section 7:19, subsection 2, the reasons why the opinion was not followed shall be stated in the ruling and the opinion shall be sent with the ruling.

3. The ruling shall be published by being sent or issued to the persons to whom it is addressed. If it concerns an order which is not addressed to one or more interested parties, the ruling shall be published in the same way as that in which that order was published.

4. As soon as possible after the ruling has been published, it shall be communicated to the administrative authority against whose order the appeal was brought, to the persons to whom the disputed order was addressed and to the interested parties who expressed their views in the appeal procedure.

5. Section 6:23 shall apply *mutatis mutandis* to the communication referred to in subsection 4, which will also state, with a view to the start of the appeal period, as clearly as possible when the publication of the ruling took place in accordance with subsection 3.

Section 7:27

Parts 3.4 and 3.5, sections 3:41 to 3:45, and chapter 4, with the exception of section 4:19, shall not apply.

CHAPTER 8 SPECIAL PROVISIONS ON APPEALS TO A COURT

Title 8.1 General provisions

Part 8.1.1 Jurisdiction

Section 8:1

1. An interested party may appeal to the court against an order.
2. Any other act of an administrative authority in relation to a public servant as referred to in section 1 of the Central and Local Government Personnel Act or a conscript as referred to in section 1 (b) of the Conscripts Legal Status Act in that capacity, their surviving relatives or their successors-in-title shall be equated with an order.
3. The following shall be equated with an order:
 - (a) a written ruling containing the refusal to approve an order, containing a generally binding regulation or a policy rule or the cancellation or the determination of the entry into effect of a generally binding regulation or a policy rule, and
 - (b) a written ruling containing the refusal to approve an order to prepare a juristic act under private law.

Section 8:2

No appeal may be lodged against:

- (a) an order containing a generally binding regulation or a policy rule;
- (b) an order containing the cancellation or determination of the entry into effect of a generally binding regulation or a policy rule;
- (c) an order containing the approval of an order containing a generally binding regulation or a policy rule or the cancellation or determination of the entry into effect of a generally binding regulation or a policy rule.

Section 8:3

No appeal may be lodged against an order in preparation of a juristic act under private law.

Section 8:4

1. No appeal may be lodged against an order against which an appeal may or might have been lodged with another administrative court.
2. No appeal may be lodged against an order against which an administrative appeal may be lodged or might have been lodged by the interested party.

Section 8:5

No appeal may be lodged against an order:

- (a) which stays or quashes an order of another administrative authority;
- (b) made in extraordinary circumstances pursuant to a power granted or obligation imposed in any statutory regulation for application in such circumstances;

(c) made pursuant to a statutory regulation for the protection of the military interests of the Kingdom or its allies;

(d) for an appointment, unless the appeal is lodged by a public servant as referred to in section 1 of the Central and Local Government Personnel Act or a conscript as referred to in section 1 (b) of the Conscripts Legal Status Act in that capacity, their surviving relatives or their successors-in-title;

(e) containing an appraisal of the knowledge or ability of a candidate or pupil who has been examined in this respect or has been tested in some other way, or containing the determination of problems, standards (?) or further rules for that examination or test;

(f) involving a technical examination of a vehicle or an aircraft or of measuring equipment, part thereof or an ancillary instrument for such equipment;

(g) made pursuant to a statutory regulation concerning taxes or the levy of a contribution or a tax to replace a contribution under the National Insurance Financing Act;

(h) concerning the numbering of lists of candidates, the validity of electoral pacts, the conduct of voting, the counting of votes and the détermination of the result of elections the members of representative bodies, or

(i) made pursuant to a statutory regulation concerning military conscription, in so far as it concerns the draft, actual service, long furlough or dismissal, unless the order relates to voluntary attendance, extension of actual service or the breadwinner's allowance or the order has been made pursuant to the Armed Forces Reserve Personnel Act 1985.

Section 8:6

No appeal may be lodged against an order made pursuant to a statutory regulation which has been included in the schedule to this Act.

Section 8:7

1. If an appeal is lodged against an order of a province, municipality or water control corporation or a public corporation or joint authority established under the Joint Regulations Act, the court within whose area the administrative authority has its seat shall have jurisdiction.

2. If appeal is lodged against an order of another administrative authority, the court within whose area the person lodging the notice of appeal has his residence in the Netherlands shall have jurisdiction competent. If the person lodging the notice of appeal is not resident in the Netherlands, the court within whose area the administrative authority has its seat shall have jurisdiction.

Section 8:8

1. If an appeal has been lodged against the same order with more than one court having jurisdiction, the cases shall thenceforth be dealt with by the court with which the appeal was first lodged. If appeal was first lodged before two or more courts having jurisdiction simultaneously, the cases shall thenceforth be dealt with by the court mentioned first in the Judiciary (Territorial Division) Act.

2. The other court or courts shall refer the case or cases pending before them to the court which will thenceforth deal with the cases. The documents relating to the case or cases shall be sent to the court which will thenceforth deal with the cases.

3. If an appeal has been lodged before more than one court against the same order, the administrative authority shall give immediate notice thereof to those courts.

Section 8:9

The Administrative Law Judicial Division of the Council of State or the Central Appeals Court, as the case may be, shall decide finally on disputes between courts on the application of section 8:7 in matters of which they are competent to take cognizance on appeal.

Part 8.1.2 Proceedings before a single-judge or multi-judge section

Section 8:10

1. The cases which are brought before the court shall be heard by a single-judge section.

2. If a single-judge section considers that a case is unsuitable to be heard by a single judge it shall refer it to a multi-judge section. The single-judge section may also refer a case to the multi-judge section in other circumstances.

3. If a multi-judge section considers that a case is suitable to be heard by a single further judge, it may refer it to a single-judge section.

4. Such a referral may take place at any stage in the action. A case that has been referred shall be continued from the stage which it has reached.

Section 8:11

1. The regulations concerning the hearing of the appeal shall apply to a hearing both by a single-judge section and by a multi-judge section.

2. A judge sitting as a single-judge section shall also have the powers and obligations of the president of a multi-judge section.

Section 8:12

The court may instruct an examining magistrate to conduct the preliminary examination or part thereof.

Part 8.1.3 Referral, consolidation and separation

Section 8:13

1. The court may refer a case brought before it for further hearing to a court where another case has been brought if it considers it desirable for the cases in question to be heard by one court.

2. A request to this effect may be made until the start of the examination in court.

3. If the court to which a case has been referred agrees to the referral, the documents relating to the case shall be sent to it.

Section 8:14

1. The court may consolidate cases which deal with the same or a related subject and separate the hearing of consolidated cases.

2. A request to this effect may be made until the end of the examination in court.

Part 8.1.4. Challenge and excusal

Section 8:15

At the request of a party each of the judges hearing a case may be challenged on the ground of facts or circumstances which could prejudice their judicial impartiality.

Section 8:16

1. A request shall be made as soon as the facts or circumstances become known to the party making the request.

2. The request shall be in writing and state the grounds. After the start of the examination in court or after the start of the hearing of parties or witnesses in the preliminary examination, the request may also be made orally.

3. All facts and circumstances must be presented together.

4. A subsequent challenge to the same judge shall not be dealt with unless facts or circumstances are presented which have only become known to the party making the request after the previous request.

5. If the request is made in court, the examination in court shall be stayed.

Section 8:17

A judge who has been challenged may acquiesce in the challenge.

Section 8:18

1. The challenge shall be heard as quickly as possible by a multi-judge section of which the judge who has been challenged is not a member.

2. The person making the challenge and the judge who has been challenged shall be given the opportunity to be heard. The court may determine on its own initiative or at the request of the party making the challenge or the judge who has been challenged that they will not be heard in each other's presence.

3. The court shall decide as quickly as possible. The decision shall state the grounds and shall be immediately communicated to the person making the challenge, the other parties and the judge who has been challenged.

4. In the event of abuse, the court may determine that any subsequent request will not be dealt with. This shall be stated in the decision.

5. No appeal lies against the decision.

Section 8:19

1. Each of the judges hearing a case may request to be excused from hearing it on the ground of facts or circumstances as referred to in section 8:15.

2. The request shall be in writing and state the grounds. After the start of the examination in court or after the start of the hearing of parties or witnesses in the preliminary examination, the request may also be made orally.

3. If the request is made in court, the examination in court shall be stayed.

Section 8:20

1. The request to be excused from hearing the case shall be heard as quickly as possible by a multi-judge section of which the judge who has requested to be excused is not a member.

2. The court shall decide as quickly as possible. The decision shall state the grounds and shall be immediately communicated to the parties and the judge requesting to be excused.

3. No appeal lies against the decision.

Part 8.1.5 Parties

Section 8:21

1. Natural persons who are not competent to be a party to litigation shall be represented in the action by their representatives under civil law. A statutory representative does not require the authorisation of the sub-district court as referred to in article 349 of Book 1 of the Civil Code.

2. The persons referred to in subsection 1 may represent themselves in the action if they can be deemed to have a reasonable understanding of their interests.

3. If no statutory representative is present or the representative is not available and the case is urgent, the court may appoint a provisional representative. The appointment shall cease to have effect as soon as a statutory representative is present or the statutory representative is available once again.

Section 8:22

1. In the event of bankruptcy or suspension of payment of debts, sections 25, 27 and 31 of the Bankruptcy Act shall apply *mutatis mutandis*.

2. Sections 25 subsection 2 and 27 shall not apply *mutatis mutandis* if the parties are invited to appear at a session of the court before the declaration of bankruptcy.

Section 8:23

1. An administrative authority which is a body corporate shall be represented in the action by one or more members designated by the administrative authority.

2. The Crown shall be represented in the action by Our Minister concerned or, as the case may be, by one or more of Our Ministers concerned.

Section 8:24

1. The parties may be assisted or may be represented by an agent.

2. The court may require an agent to produce a written authorisation.

3. Subsection 2 shall not apply to attorneys-at-law and procurators.

Section 8:25

1. The court may refuse to allow assistance or representation by a person against whom there are grave objections.
2. The party concerned and the person referred to in subsection 1 shall be immediately notified of the refusal and the reason for it.
3. Subsection 1 shall not apply to attorneys-at-law and procurators.

Section 8:26

1. Until the end of examination in court, the court may on its own initiative at the request of a party or at their own request, allow interested parties to be joined as parties in the action.
2. If the court suspects that there are unknown interested parties, it may have it announced in the Government Gazette that a case is pending before it. In addition to the announcement in the Government Gazette, the announcement may be made by other means.

Section 8:27

1. The parties who have been summoned by the court to appear in person or represented by an agent, whether or not to provide information, shall be obliged to appear and provide the requisite information. The attention of the parties shall be drawn to this and to section 8:31.
2. If it concerns a legal person or an administrative authority which is a body corporate, the court may summon one or more officers or one or more members as the case may be.

Section 8:28

Parties who have been requested by the court to give written information shall be obliged to provide the requisite information. The attention of the parties shall be drawn to this and to section 8:31.

Section 8:29

1. Parties who are obliged to provide information or submit documents may, if they have compelling reasons, refuse to provide such information or hand over such documents or may inform the court that only it may see the information or documents concerned.
2. Compelling reasons do not in any event exist for an administrative authority in so far as there is an obligation under the Government Information (Public Access) Act to grant a request for information contained in the documents to be submitted.
3. The court shall decide whether the refusal referred to in subsection 1 or the restriction on who may see the information is justified.

4. If the court has decided that the refusal is justified, the obligation shall cease to have effect.

5. If the court has decided that the restriction on who may see the information is justified, it may give judgment based wholly or partly on the information or documents only with the consent of the other parties.

Section 8:30

The parties shall be obliged to cooperate in an examination as referred to in section 8:47, subsection 1. The attention of the parties shall be drawn to this and to section 8:31.

Section 8:31

If a party fails to comply with the obligation to appear, provide information, hand over documents or cooperate in an examination as referred to in section 8:47 subsection 1, the court may draw such conclusions from this as it sees fit.

Section 8:32

1. The court may, if it is feared that the physical or mental health of a party would be damaged if he or she were to see the documents, direct that the documents may be seen only by an agent who is an attorney-at-law or a physician or who has received special consent from the court for this purpose.

2. The court may, if the private life of a person would be disproportionately harmed by a party seeing the documents, direct that the documents may be seen only by an agent who is an attorney-at-law or a physician or who has received special consent from the court for this purpose.

Part 8.1.6 Witnesses, experts and interpreters

Section 8:33

1. Any person summoned as a witness by the court shall be obliged to comply with the summons and give evidence.

2. The summons shall state the place and time at which the witness will be heard, the facts to which the hearing will relate and the consequences of non-appearance.

3. Articles 191, subsections 2 and 4, 198, 199, subsection 1, 200, subsection 1, 201, 202, subsections 1 and 3, 203, subsection 1, and 204 of the Code of Civil Procedure shall apply *mutatis mutandis*.

4. The court may direct that witnesses shall not be heard until after they have taken the oath or made an affirmation. In such a case they shall swear on oath or affirm that they will tell the whole truth and nothing but the truth.

Section 8:34

1. An expert who has accepted his appointment shall carry out his assignment impartially and to the best of his ability.

2. Section 191, subsections 2 (b) and 4, of the Code of Civil Procedure shall apply *mutatis mutandis*.

Section 8:35

1. An interpreter who has accepted his appointment and who is summoned by the court shall be obliged to comply with the summons and carry out his assignment impartially and to the best of his ability. Sections 198 and 204 of the Code of Civil Procedure shall apply *mutatis mutandis*.

2. The summons shall state the time and place at which the assignment must be carried out and the consequences of non-appearance.

Section 8:36

1. Witnesses, experts and interpreters who have been summoned by the court and experts who have carried out an examination as referred to in section 8:47, subsection 1, are entitled to a free payable by the state. The provisions of the Criminal Causes (Fees) Act and provisions made pursuant to it shall apply *mutatis mutandis*.

2. A party who has brought or summoned a witness or expert or to whom the report of an expert is issued shall owe the expert a fee. The provisions of the Criminal Causes (Fees) Act and provisions made pursuant to it shall apply *mutatis mutandis*.

Part 8.1.7 Sending of documents

Section 8:37

1. Summonses and invitations to appear at a session of the court shall be sent and the sending of a copy of the judgement or a record of the oral judgement shall be done by the registrar by registered letter or recorded delivery unless the court decides otherwise.

2. Other documents shall be sent by the registrar by ordinary letter, unless the court decides otherwise.

3. The date of dispatch shall be stated in a letter.

Section 8:38

1. If the registrar receives back, a document sent by registered letter or recorded delivery and discovers that the addressee was registered in the municipal population records as resident at the address stated on the letter on the date of dispatch or at the latest a week thereafter, he shall send the document as quickly as possible by ordinary letter.

2. In the other cases in which the registrar receives back a document sent by registered letter or by recorded delivery he shall, if possible, rectify the address stated on the letter and send it again by registered letter or recorded delivery.

Section 8:39

1. The registrar shall send the documents relating to the case to the parties as quickly as possible, in so far as the court has not provided otherwise pursuant to sections 8:29 or 8:32.

2. The registrar may decide not to send very large documents or documents which it would be hard to copy. He shall notify the parties thereof and at the same time state that these documents will be deposited at the registry for inspection for such period as he may determine provided it is at least one week.

3. The parties may obtain copies of or extracts from the documents referred to in subsection 2. Concerning the costs the provisions of the Criminal Causes (Fees) Act and provisions made pursuant to it shall apply *mutatis mutandis*.

Section 8:40

If the notice of appeal has been lodged by two or more persons, it is sufficient if the summons, invitation to appear at a session, documents relating to the case and a copy of the judgment or the record of the oral judgment are sent to the first person mentioned in the notice of appeal.

Title 8.2 The hearing of the appeal

Part 8.2.1 Registry fee

Section 8:41

1. A registry fee is levied on the person lodging a notice of appeal by the registrar. If two or more people together lodge a single notice of appeal against the same order, one registry fee shall be payable. In that case the registry fee shall be the highest amount due by one of the persons lodging the notice of appeal pursuant to subsection 3.

2. The registrar shall notify the person lodging the notice of appeal that the amount registry fee is payable and inform him that the owed must be credited to the account of the court or deposited at the registry within four weeks of the date on which the notification is sent. If the amount has not been credited or deposited within this period, the appeal shall be held to be inadmissible, unless the person concerned cannot reasonably be held to have been in default.

3. The registry fee shall be:

(a) NLG 50 if the appeal has been lodged by a natural person against:

(i) an order made pursuant to a statutory regulation included in parts B and C, at 1 to 25 inclusive of the schedule to the Appeals Act;

(ii) an order regarding unemployment or sickness benefit made in respect of a public servant as referred to in section 1 of the Central and Local Government Personnel Act or a conscript as referred to in section 1 (b) of the Conscripts Legal Status Act in that capacity, their surviving relatives or their successors-in-title, or

(iii) an order regarding benefit for permanent disability pursuant to a statutory regulation that ensieves the natural person concerned a state disability pension regarding his disability;

(b) NLG 200 if the appeal has been lodged by a natural person against an order other than an order as referred to under (a), unless provided otherwise by Act of Parliament, and

(c) NLG 400 if the appeal has been lodged by a legal person.

4. If the appeal is withdrawn because the administrative authority has wholly or partly satisfied the wishes of the person who lodged the appeal, the registry fee paid by him shall be refunded to him by the relevant legal person. In other cases where the appeal is withdrawn the relevant legal person may wholly or partly refund the registry fee.

5. The amounts referred to in subsection 3 may be altered by order in council in so far as this is warranted by the price index number for household consumption.

Part 8.2.2 Preliminary examination

Section 8:42

1. Within four weeks of the date on which the notice of appeal is sent to the administrative authority the latter shall send the documents relating to the case to the court and lodge a defence.

2. The court may extend the period referred to in subsection 1.

Section 8:43

1. The court may give the person who lodges the notice of appeal the opportunity to submit a written reply. In that case the administrative authority shall be given the opportunity to submit a written rejoinder. The court shall fix the periods for reply and rejoinder.

2. The court shall give parties other than those referred to in subsection 1 the opportunity at least once to state their views on the case in writing. It shall fix a period for this purpose.

Section 8:44

1. The court may summon parties to appear in person or represented by an agent either to provide information or otherwise. If not all parties are summoned, the parties not summoned shall be given the opportunity to attend the hearing and give their views on the case.

2. An record of the information provided shall be prepared by the registrar.

3. It shall be signed by the president of the multi-judge section and the registrar. If the president or the registrar is unable to do so, this shall be stated in the record.

Section 8:45

1. The court may request the parties and other persons to provide written information and lodge documents in their possession within a period to be specified by it.

2. Administrative authorities shall be obliged to comply with a request as referred to in subsection 1 even if they are not party to the action. Section 8:29 shall apply *mutatis mutandis*.

3. Employers of parties shall be obliged to comply with a request as referred to in subsection 1 even if they are not a party to the action. Section 8:29 shall apply *mutatis mutandis*.

Section 8:46

1. The court may summon witnesses.
2. The court shall inform the parties at least one week in advance of the names and addresses of the witnesses, the place and time at which they will be heard and the facts to which the hearing will relate.
3. Articles 205, subsections 1, 2 and 3, first sentence, and 206, subsections 1 to 3 inclusive and 5 of the Code of Civil Procedure shall apply *mutatis mutandis*.

Section 8:47

1. The court may appoint an expert to carry out an examination.
2. The assignment to be carried out and the period referred to in subsection 4 shall be stated when the appointment is made.
3. The intention to appoint an expert as referred to in subsection 1 shall be communicated to the parties. The court may give the parties the opportunity to make known their wishes concerning the examination in writing within a period to be determined by it.
4. The court shall determine a period within which the expert is to supply the court with his written report of the examination.
5. The parties may state their views on the report in writing within four weeks of the date on which the report is sent to them.
6. The court may extend the period referred to in subsection 5.

Section 8:48

1. The physician who has to examine a person for the purpose of an examination as referred to in section 8:47 subsection 1, may obtain information about this person which is relevant to the examination from the physician or physicians treating the person concerned, the social insurance physician and the physician who acts as a consultant to the administrative authority.
2. They shall provide the requested information in so far as the private life of the person concerned is not disproportionately harmed as a result.

Section 8:49

The court may appoint interpreters.

Section 8:50

1. The court may carry out an on-the-spot examination. For this purpose it shall have access to every place in so far as this may reasonably be assumed to be necessary for the discharge of its duties.
2. Administrative authorities shall cooperate as necessary in the interests of the examination.
3. The time and place of the examination shall be communicated to the parties. They may be present at the examination.
4. A record of the examination shall be prepared by the registrar.

5. It shall be signed by the president of the multi-judge section and the registrar. If the president or the registrar is unable to do so, this shall be stated in the official record.

Section 8:51

1. The court may instruct a court legal assistant designated by it or the registrar to carry out an on-the-spot examination. Such person shall have access to every place in so far as this is reasonably necessary for the performance of the duties with which he is charged. The court shall be competent to issue an authorisation to enter premises.

2. Section 8:50, subsections 2 and 3, shall apply *mutatis mutandis*.

3. A record of the examination shall be prepared and signed by the court legal assistant or the registrar.

Part 8.2.3 Expedited proceedings

Section 8:52

1. If the case is urgent the court may determine that the proceedings will be expedited.

2. In that case the court may:

(a) shorten the period referred to in section 8:41, subsection 2;

(b) shorten the period referred to in section 8:42, subsection 1;

(c) wholly or partly exclude application of section 8:43, subsection 2;

(d) wholly or partly exclude application of section 8:47, subsection 3;

(e) shorten the period referred to in section 8:47, subsection 5.

3. If the court determines that the proceedings can be expedited, it shall also determine as quickly as possible the time when the hearing will take place and shall immediately communicate this to the parties. Section 8:56 shall not apply.

Section 8:53

If it appears to the court when the case is heard that it is not sufficiently urgent to justify expedited proceedings or that it requires an ordinary hearing, it shall determine that the case will be further heard in the ordinary way.

Part 8.2.4 Simplified proceedings

Section 8:54

1. Until the parties have been invited to appear at a session of the court, the court may jurisdiction the examination close if continuation thereof is not necessary because:

(a) the court lacks jurisdiction;

(b) the appeal is manifestly inadmissible;

(c) the appeal is manifestly unfounded, or

(d) the appeal is manifestly well-founded.

2. When judgment is given after application of subsection 1, the attention of the parties shall be drawn to section 8:55, subsection 1.

Section 8:55

1. An interested party may oppose the judgment referred to in section 8:54, subsection 2, before the court. The person lodging the notice of opposition may ask to be given the opportunity to be heard about the opposition. Sections 6:4 subsection (3), 6:5, 6:6 to 6:9 inclusive, 6:11, 6:14, 6:15, 6:17 and 6:21 shall apply *mutatis mutandis*.

2. If the effect of a judgment is stayed by Act of Parliament until the period for lodging an appeal has passed or, if an appeal has been lodged, until the appeal has been ruled upon, the effect of the judgment referred to in section 8:54, subsection 2, shall also be stayed in the same way.

3. Before giving judgment on the opposition, the court shall give the person who has lodged the notice of opposition who has requested this the opportunity to be heard at a session, unless it considers that the objection is well-founded. If the person lodging the notice of objection has not requested this, the court may still give him the opportunity to be heard at a session.

4. A person who has been part of the section of the court which gave the judgment against which the opposition has been lodged shall not be part of the section that gives judgment on the opposition.

5. The judgment may consist of a declaration that:

- (a) the opposition is inadmissible;
- (b) the opposition is unfounded;
- (c) the opposition is well-founded.

6. If the court holds that the opposition is inadmissible or unfounded, the judgment against which the opposition was brought shall be upheld.

7. If the court holds that the opposition is well-founded, the judgment against which the opposition was brought shall be quashed and the examination shall be continued from the stage reached.

Part 8.2.5 Examination in court

Section 8:56

After the end of the preliminary examination the parties shall be invited at least three weeks in advance to appear at a session of the court at a time and place specified in the invitation.

Section 8:57

If the parties have consented to this, the court may determine that there will not be an examination in court. In such a case the court shall end the examination.

Section 8:58

1. The parties may submit additional documents until ten days before the hearing.
2. The attention of the parties shall be drawn to this right in the invitation referred to in section 8:56.

Section 8:59

The court may summon a party either to appear in person or to appear in person or represented by an agent, either for the purpose of giving information or otherwise.

Section 8:60

1. The court may summon witnesses and appoint experts and interpreters,
2. A witness who has been summoned and an expert or interpreter who has accepted his appointment and been summoned by the court shall be obliged to comply with the summons. Sections 198 and 204 of the Code of Civil Procedure shall apply *mutatis mutandis*. The summons of the expert shall specify the assignment to be carried out, the time and place at which the assignment must be carried out and the consequences of non-appearance.
3. Names and addresses of witnesses and experts who have been summoned and the facts to which the hearing will relate or, as the case may be, the assignment which must be carried out shall be communicated to the parties as far as possible in the invitation referred to in section 8:56.
4. The parties may bring witnesses and experts or summon them by registered letter of bailiffs notification, provided that this has been communicated to the court and the other parties not later than a week before the date of the hearing, stating with the names and addresses. The attention of the parties shall be drawn to this right in the invitation referred to in section 8:56.

Section 8:61

1. The president of the multi-judge section shall preside over the hearing.
2. The registrar shall keep notes of the proceedings in court.
3. The registrar shall draw up a record of the hearing if the court so orders either on its own initiative or at the request of a party who has an interest in this and if an appeal to a higher court is lodged.
4. It shall contain the names of the judge or judges hearing the case, the names of the parties and their representatives or agents appearing at the hearing and of those who assisted them, and the names of witnesses, experts and interpreters who appeared at the hearing.
5. It shall contain an account of the proceedings in court relating to the case.
6. It shall be signed by the president of the multi-judge section and the registrar. If the president or the registrar is unable to do so, this shall be stated in the record.
7. The pleadings that have been lodged may be attached to the record.
8. The court may determine that a statement by a party, witness or expert will be included verbatim in the record. In this case the statement shall be immediately recorded in writing and read out to the party, witness or expert. Such person may then make

alterations to it, which are recorded in writing and read out to the party, witness or expert. The statement shall be signed by the party, witness or expert. If it is not signed, the reason for this shall be mentioned in the record.

Section 8:62

1. The hearing shall be held in public.
2. The court may determine that the hearing in court will be conducted wholly or partly with closed doors:
 - (a) in the interests of public order or public morality;
 - (b) in the interests of State security;
 - (c) if this is necessary to safeguard the interests of minors or the right to respect for the private life of the parties;
 - (d) if a public hearing would gravely prejudice the proper administration of justice.

Section 8:63

1. Section 205, subsections 2 and 3, first sentence, of the Code of Civil Procedure shall apply *mutatis mutandis* to the hearing of experts and witnesses. Section 205, subsection 1, of the Code of Civil Procedure shall apply *mutatis mutandis* to the hearing of witnesses.
2. The court may decide not to hear witnesses and experts brought or summoned by a party if it considers that this testimony cannot reasonably be expected to contribute to the assessment of the case.
3. If a witness or expert called by a party has not appeared, the court may summon him. In that case the court shall stay the examination in court.

Section 8:64

1. The court may stay the examination in court. It may determine in this connection that the preliminary examination should be resumed.
2. If no date has been set for a resumption of the hearing, the court shall determine this as soon as possible. The registrar shall communicate the date of the resumed hearing to the parties as quickly as possible.
3. In cases in which the examination in court has been stayed, the proceedings shall be resumed at the further hearing from the stage which they had reached previously.
4. The court may determine that the examination in court will start afresh.
5. If the parties have consented to, this, the court may determine that the hearing will not be resumed. In such a case the court shall close the examination.

Section 8:65

1. The court shall close the examination in court if it considers that it has been completed.
2. Before the examination in court ends, the parties shall be entitled to speak for a last time.
3. As soon as the examination in court has ended, the president shall announce when judgment will be given.

Part 8.2.6 Judgment

Section 8:66

1. Unless judgment is given orally, the court shall give judgment in writing within six weeks after the closing of the examination in court.
2. In special circumstances the court may extend this period for a maximum of six weeks.
3. Such an extension shall be communicated to the parties.

Section 8:67

1. The court may give judgment orally immediately after the closing of the examination in court. The judgment may be postponed for a maximum of one week, in which case the parties will be notified of the date of the judgment.
2. The oral judgment shall consist of the ruling and the grounds for the ruling.
3. An record of the oral judgment shall be drawn up by the registrar.
4. It shall be signed by the president of the multi-judge section and the registrar. If the president or the registrar is unable to do so, this shall be stated in the record.
5. The court shall deliver the ruling referred to in subsection 2 in public, in the presence of the registrar. It shall at the same time, be stated who is entitled to appeal, within what period and to which administrative court.
6. The statement referred to in subsection 5, second sentence, shall also be included in the record.

Section 8:68

1. If the court considers that the examination has not been complete, it may reopen it. The court shall determine in this connection how the examination is to be continued.
2. The registrar shall communicate this to the parties as quickly as possible.

Section 8:69

1. The court shall give judgment on the basis of the notice of appeal, the documents lodged, the proceedings during the preliminary examination and the examination in court.
2. The court shall amplify the legal grounds on its own initiative.
3. The court may amplify the facts on its own initiative.

Section 8:70

- The judgment may hold that:
- (a) the court lacks jurisdiction;
 - (b) the appeal is inadmissible;
 - (c) the appeal is unfounded;
 - (d) the appeal is well-founded.

Section 8:71

If a claim may be brought only before the civil courts, this shall be stated in the judgment. The civil courts shall be bound by this ruling.

Section 8:72

1. If the court holds the appeal to be well-founded, it shall quash all or part of the disputed order.

2. The quashing of an order or part of an order entails the nullification of the legal consequences of that order or the quashed part thereof.

3. The court may direct that all or part of the legal consequences of the quashed order or the quashed part thereof shall be allowed to stand.

4. If the court holds that the appeal is well-founded, it may direct the administrative authority to make a new order or to perform another act in accordance with its judgment, or if may direct that its judgment takes the place of the quashed order or the quashed part thereof.

5. The court may set the administrative authority a period for the making of a new order or the performing of another act.

6. The court may determine that a provisional remedy will cease to have effect at a later time than the time at which it has given judgment.

7. The court may determine that if or as long as the administrative authority does not comply with a judgment, the legal person designated by the court shall owe a penalty prescribed in the judgment to a party designated by it. Sections 611a to 611i inclusive of the Code of civil Procedure shall apply *mutatis mutandis*.

Section 8:73

1. If the court holds the appeal to be well-founded, it may, at the request of a party and if there are grounds for doing so, condemn the legal person designated by it to pay compensation for the damage suffered by that party.

2. If the court is unable to determine - or to determine in full - the extent of the compensation, it shall direct in its judgment that the examination will be reopened in preparation of a further judgment on this. At the same time the court shall determine in what way the examination is to be continued.

Section 8:74

1. If the court holds the appeal to be well-founded, the judgment shall also determine that the registry fee paid by the person who lodged the notice of appeal will be refunded to him by the legal person designated by the court.

2. In the other cases the judgment may determine that all or part of the registry fee will be refunded by the legal person designated by the court.

Section 8:75

1. The court shall have exclusive jurisdiction to condemn a party to pay the costs which another party has reasonably incurred in connection with the appeal proceedings. A natural person may be condemned to pay costs only in case of a manifestly unreasonable use of the right of appeal. Further rules shall be laid down by order in council.

2. If costs are awarded to a party who has been granted legal assistance pursuant to the Legal Aid Act, the amount of the costs shall be paid to the registrar. Section 57b of the Code of Civil Procedure shall apply *mutatis mutandis*.

3. If the appeal is withdrawn because the administrative authority has wholly or partly satisfied the wishes of the person who lodged the appeal, the administrative authority may, at the request of the person who lodged the appeal, be condemned to pay the costs by separate judgment. The request shall be made when the appeal is withdrawn.

4. If an administrative authority is condemned to pay costs, the court shall designate the legal person which is to pay the costs.

Section 8:76

In so far as a judgment provides for the payment of a given amount of money, it may be executed in accordance with the provisions of the Second Book of the Code of Civil Procedure.

Section 8:77

1. The written judgment shall state:

(a) the names of the parties and of their representative or agents;

(b) the grounds of the ruling;

(c) the ruling;

(d) the name of the judge or the names of the judges hearing the case;

(e) the date on which the ruling was delivered;

(f) who is entitled to appeal, within what period and to which administrative court.

2. If the judgment holds that the appeal is well-founded, it shall state what written or unwritten rule of law or what general-principle of law is considered to have been infringed.

3. The judgment shall be signed by the president of the multi-judge section and the registrar. If the president or the registrar is unable to do so, this shall be stated in the judgment.

Section 8:78

The court shall deliver the ruling referred to in section 8:77, subsection 1 (c), in public, in the presence of the registrar.

Section 8:79

1. Within two weeks of the date of the judgment the registrar shall send the parties a copy of the judgment or of the record of the oral judgment free of charge.

2. Persons other than parties may obtain copies of or extracts from the judgment or the record of the oral judgment. As regards costs, the provisions of the Criminal Causes (Fees) Act shall apply *mutatis mutandis*.

Section 8:80

If the court directs that its judgment will take the place of the quashed order, the judgment shall also be published by the competent administrative authority in the manner as prescribed for that order.

Title 8.3 Provisional remedies and immediate judgment in the proceedings on the merits

Section 8:81

1. If an appeal against an order has been lodged with the court or, prior to a possible appeal to the court, an objection has been made or an administrative appeal has been lodged, the president of the court which has or may acquire jurisdiction in the proceedings on the merits may, on request, grant a provisional remedy where, because of the interests involved, speed is of the essence.

2. If an appeal has been lodged with the court, the request for a provisional remedy may be made by a party in the proceedings in the merits.

3. If, prior to a possible appeal to the court, an objection has been made or an administrative appeal has been lodged, the request for a provisional remedy may be made by the person who has lodged the notice of objection - or as the case may be, the notice of appeal, or by the interested party who is not entitled to lodge an administrative appeal.

4. Sections 6:4, subsection 3, 6:5, 6:6, 6:14, 6:15, 6:17 en 6:21 shall apply *mutatis mutandis*. The applicant who has made an objection or lodged an appeal shall at the same time submit a copy of the notice of objection or appeal.

Section 8:82

1. A court registry fee is levied on the applicant by the registrar. Section 8:41, subsections 1, second sentence, 3 and 5 shall apply *mutatis mutandis*.

2. Section 8:41, subsection 2, shall apply *mutatis mutandis*, but the period within which the amount owed must be credited or deposited shall be two weeks. The president may determine a shorter period.

3. If the request is withdrawn because the administrative authority or the interested party to whom the disputed order is addressed has informed the president in writing that the execution of the disputed order will be stayed pending the procedure on the merits or that the requested provisional remedies will be granted, the registry fee that has been paid shall be refunded by the registrar. In the other cases the relevant legal person may refund all or part of the registry fee that has been paid.

4. The judgment may determine that all or part of the registry fee that has been paid will be refunded by the legal person designated by the president.

Section 8:83

1. The parties shall be invited as quickly as possible to appear at a session of the court at a time and place specified in the invitation. The administrative authority shall send the documents relating to the case to the president within a period prescribed by him. Section 8:58 shall apply *mutatis mutandis*, but further documents may be lodged until one day before the hearing. Sections 8:59 to 8:65 inclusive shall apply *mutatis mutandis*.

2. In an administrative appeal has been lodged, the appeal authority shall also be invited to appear at the session. The appeal authority shall be given the opportunity to state its views on the case at the session.

3. If the president manifestly lacks jurisdiction or the appeal is manifestly inadmissible, manifestly unfounded or manifestly well-founded, the president may give judgment without applying subsection 1.

4. Where speed is of the essence and the interests of the parties would not be prejudiced the president may also give judgment without applying subsection 1 in other cases.

Section 8:84

1. The president shall give judgment orally or in writing as quickly as possible.

2. The judgment may:

(a) hold that the president lacks jurisdiction,

(b) hold that the request is inadmissible,

(c) reject the request, or

(d) grant all or part of the request.

3. The registrar shall immediately send the parties a copy of the judgment or of the record of the oral judgment free of charge.

4. Sections 8:67, subsections 2 to 5 inclusive, 8:69, 8:72, subsections 5 and 7, 8:75, 8:76, 8:77, subsections 1 and 3, 8:78, 8:79, subsection 2, and 8:80 shall apply *mutatis mutandis*.

Section 8:85

1. The president may specify in his judgment when the provisional remedy is to cease to have effect.

2. The provisional remedy shall in any event cease to have effect as soon as:

(a) the period for lodging an appeal to the court against the order made in respect of the objection or the administrative appeal has expired without being used,

(b) the objection or appeal is withdrawn, or

(c) the court has given judgment, unless a later time has been determined in the judgment.

Section 8:86

1. If the request is made when an appeal to the court has been lodged and the president considers after the session referred to in section 8:83, subsection 1, that further examination cannot reasonably be expected to contribute to an assessment of the case, he may give immediate judgment on the merits.

2. The attention of the parties shall be drawn to this power of the president in the invitation referred to in section 8:83, subsection 1.

Section 8:87

1. The president may end or alter a provisional remedy either on his own initiative or otherwise.

2. Sections 8:81, subsections 2, 3 and 4, and 8:82 to 8:86 inclusive shall apply *mutatis mutandis*. If, prior to a possible appeal to the court, an objection has been made or administrative appeal has been lodged, a request to end or alter may also be made by an interested party whose interest is directly affected by the provisional remedy, by the administrative authority or the appeal authority.

Title 8.4 Review

Section 8:88

1. At the request of a party the court may review a final judgment on the ground of facts or circumstances:

- (a) which took place before the judgment,
- (b) of which the applicant had no knowledge and could not reasonably have had any knowledge before the judgment,
- (c) which, had they been known to the court previously, might have led to a different judgment.

2. Chapter 6 and titles 8.2 and 8.3 shall apply *mutatis mutandis*.

CHAPTER 9 FINAL PROVISIONS

Section 9:1

1. Within three years of the entry into effect of this Act and thereafter every five years Our Ministers of Justice and Home Affairs shall submit a report to Parliament on the way in which the Act is being implemented.

2. Subsection 1 shall not apply to the provisions governing appeal to an administrative court.

Section 9:2

This Act shall take effect on a date to be determined by Royal Decree.²

Section 9:3

Prior to the publication of this Act Our Minister of Justice shall renumber the sections, parts, titles and chapters of this Act and shall adjust the references to sections, parts, titles and chapters in this Act accordingly.

Section 9:4

This Act is cited as: General Administrative Law Act.

² January 1st, 1994 (translator's note).

SCHEDULE TO THE GENERAL ADMINISTRATIVE LAW ACT

A MINISTRY OF JUSTICE

1. Extradition Act
2. Traffic Regulations (Administrative Enforcement) Act.

B MINISTRY OF HOME AFFAIRS

1. Sections 12, subsections 1, 3 (d) and 4, and 13 of the Financial Relations Act 1984.
2. Chapter L, with the exception of section L9, chapter M and section R2, subsection 2, of the Public Servants Superannuation Act.
3. Section 241, subsection 1, of the Provinces Act.

C MINISTRY OF HOUSING, PLANNING AND ENVIRONMENT

1. Compulsory Purchase Act.
2. Section 11, subsection 1, with the exception of an order which does not require approval pursuant to subsection 8 of that section, sections 21, subsection 1, 25, 29, subsections 1 and 8 and 40 subsections 1, of the Town and Country Planning Act, and sections 37 and 38 of that Act in so far as they entail a refusal to make an order as referred to in those sections.
3. Sections 4.3 to 4.6 inclusive, 4.9 to 4.12 inclusive, 4.16 to 4.19 inclusive, 8.27, 8.34 and 8.37 of the Environmental Management Act.

D MINISTRY OF TRANSPORT, PUBLIC WORKS AND WATER MANAGEMENT

1. Section 7c of the Pollution of Surface Waters Act.
2. Sections 10 and 30 of the Subterranean Water Act, in so far as they involve a direction in accordance with section 8.27 of the Environmental Management Act.
3. Section 28 of the Telecommunications Act, in so far as it contains a direction.

E MINISTRY OF AGRICULTURE, NATURE MANAGEMENT AND FISHERIES

1. Sections 36, subsection 1, 37, 44, subsection 1, and 70 of the Central Delfland Reconstruction Act.
2. Sections 20, 21, 22, 72, subsection 1, 75 and 101, subsection 3, of the East Groningen and Groningen-Drente Peat Districts Redevelopment Act.
3. Sections 18, 46, 51, 52, 81, 82, 84, subsections 1 and 7, 85, 88 in conjunction with 81, 90, 92, 108, 109, 111, 112, 114, 115, 131, subsection 3, 137, 161, 167, 189, subsection 1, 196, subsection 1, and 211 of the Land Development Act..

F MINISTRY OF SOCIAL AFFAIRS AND EMPLOYMENT

1. Social Security Organisation Act.
2. Section 6 of the Extraordinary Decree on Labour Relations 1945.
3. Section 45, subsection 1, of the General Assistance Act.

G MINISTRY OF DEFENCE

Sections V2, subsection 2, and W7 of the General Military Personnel Superannuation Act.

H. MINISTRY OF SOCIAL SERVICES, HEALTH AND CULTURE

Sections 20, subsection 1, 38, 39 en 40 and chapter IV of the Extraordinary Placements in Psychiatric Hospitals Act.