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Dutch

Types of legal professions

Netherlands

This page provides an overview of legal professions in the Netherlands.

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Prosecutors

Organisation

The Public Prosecution Service (*Openbaar Ministerie*, or OM) is a national organisation with offices in all regions of the Netherlands. There is also a national public prosecutor's office that focuses on combating (international) organised crime, and a functional public prosecutor's office to combat environmental and financial crime and fraud.

There are 10 district prosecutor's offices, where public prosecutors, assisted by administrative and legal experts, handle several hundred thousand cases a year. If an appeal is lodged, the case will be referred to one of the four regional prosecutor's offices. The OM's representative at these offices is called the advocate-general (*Advocaat-Generaal*). Chief public prosecutors and chief advocates-general are in charge of these offices. At national level, the OM is governed by the Board of Prosecutors General (*College van Procureurs-generaal*) in The Hague. Political responsibility for the OM lies with the Minister for Justice. Together with the Board of Prosecutors General, the Minister decides on priorities for investigation and prosecution.

Role and duties

Anyone who is suspected of committing a criminal offence will have to deal with the OM. The OM is the only body in the Netherlands that can bring suspects to trial. It ensures that criminal offences are investigated and prosecutions brought.

To this end, it works in collaboration with the police and other investigation services. The public prosecutor is in charge of investigations. The OM also oversees the proper enforcement of court rulings: fines must be paid, prison sentences served, and community service carried out. The OM and the judges are part of the judiciary. Although its Dutch name literally means 'public ministry', the OM is therefore not a ministry in the usual sense of the term.

Judges

Organisation

Anyone wishing to become a judge must have several years of professional experience. More information about the requirements is available [here](#).

Professional experience can be acquired through an internal training course with the judiciary or elsewhere in the justice system. The judiciary provides the necessary training.

Judges are appointed by the Crown, under the aegis of the Minister for Justice and Security. Only Dutch nationals can be appointed to the office of judge. Candidates must hold a law degree from a Dutch university.

Individuals can be nominated for appointment to the judiciary only on recommendation by a national selection committee, made up of members from the various courts, the Public Prosecution Service and individuals active in society.

A judge is appointed to administer justice at a specific court. Such an appointment can take place only if the court in question nominates the prospective judge. These conditions are designed to make the appointment system as objective as possible.

Judges are government officials with a special status. After being appointed, they cannot accept an appointment elsewhere. Judges can remain in office until the age of 70. Before that, they can be removed from office against their will only by the country's highest court, the Supreme Court of the Netherlands (*Hoge Raad der Nederlanden*), at the instigation of the prosecutor general (*procureur-generaal*) of this court.

Role and duties

The task of the judge is to give an unbiased decision in legal disputes – including cases to which the government is party. To guarantee impartiality in respect of the government, a special selection and appointment system is used. This is why the legal status of judges differs from that of other government officials. The Dutch Constitution requires judges to rule on disputes and contains provisions governing the legal status of members of the judiciary.

Guided by the prevailing legislation, judges may hear cases at their discretion. They also determine, to a large extent, the practical progress of proceedings (for instance, the length of certain parts of the proceedings).

There are several statutory provisions governing the behaviour of judges. Their purpose is to guarantee that judges do their work impartially. If a party to a proceeding has doubts about the impartiality of the judge, the law provides that party with an opportunity to object to the judge hearing the case. Sometimes, one party to a lawsuit is dissatisfied with the work of the judge. Here, a distinction is made between the decision handed down by the court and the behaviour of the judge.

If the dissatisfaction relates to the judgment, the party complaining usually has the option of lodging an appeal.

Complaints about the behaviour of a judge may be filed with the board of the court where the judge in question holds office. Every court has a complaints procedure that sets out the rules on dealing with complaints.

Judges must gain expertise in at least two fields. They usually hear one case in a certain area of law, then switch to another. This system is designed to prevent judges from overly focusing for too long on one area of expertise.

Judges work in district courts (*rechtbanken*). These comprise at least four sectors: one for civil law, one for criminal law, one for administrative law and one for sub-district court matters. Judges working in the latter sector are called *kantonrechters*, while in the other sectors they are known as *rechters*. The judges working in the courts of appeal (*gerechtshoven*) and the Supreme Court are called *raadsheren*.

The composition of the courts when hearing cases is explained below.

Judges in the sub-district court sector hear cases on their own.

District court judges usually hear cases on their own, but some cases must be heard by a panel of three judges.

A panel of three judges hears cases in the courts of appeal, except where such a case can be heard by one judge. The rules governing this are set down in the Judiciary (Organisation) Act (*Wet op de rechterlijke organisatie*).

Five judges hear each case before the Supreme Court.

The Council for the Judiciary (*Raad voor de rechtspraak*) is responsible for regulation of the profession.

Legal database

For more information, see the general website on the Dutch [judiciary](#), which is accessible to the general public.

Organisation of legal professions

Lawyers

The [Netherlands Bar](#) (*Nederlandse Orde van Advocaten*) is the public-law professional body for all lawyers in the Netherlands. The statutorily regulated core activity of the Netherlands Bar is to oversee the quality of services provided by lawyers. Among other things, the quality of lawyers' services is ensured by:

a comprehensive training programme for lawyers;

the production of by-laws and other binding rules for lawyers;

disciplinary proceedings;

information and services for members; and

advice to the Dutch government about policy plans and draft legislation.

Under the Lawyers Act (*Advocatenwet*) all lawyers must become members of the Netherlands Bar. There are currently over 18 000 registered lawyers.

Legal advisers

There is no centralised body regulating this profession.

Notaries

Organisation

The [Royal Dutch Association of Civil-law Notaries](#) (*Koninklijke Notariële Beroepsorganisatie*) defends the interests of [notaries](#) in the Netherlands and ensures that they can do their work properly.

Role and duties

The law requires a notarial instrument for a number of agreements and legal transactions. The most important of these are:

conveying real property in the Netherlands;

creating or cancelling mortgages;

incorporating public or private limited liability companies (NVs and BVs) or altering their articles of association;

establishing foundations or associations (including cooperatives) or altering their constitution;

drawing up, altering and executing wills;

drawing up or altering marriage contracts and registered domestic partnership agreements;

transferring registered shares; and

providing for gifts and donations in a notarial instrument.

For practical reasons, a notary often also performs other types of legal transactions and may draft other kinds of agreement. These include, for example, partnership agreements (commercial, civil and limited partnerships), agreements between cohabitants and provisions to protect private limited liability companies from third parties.

Other legal professions

The [Royal Professional Organisation of Judicial Officers in the Netherlands](#) (*Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders*, KBvG) is governed by the Judicial Officers Act (*Gerechtsdeurwaarderswet*). The Act gives the KBvG – which all judicial officers in the Netherlands are required to join – the task of fostering good practice within the profession.

Dutch judicial officers are responsible for receiving and sending documents in accordance with Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. Documents to be served in the Netherlands must be sent directly to a judicial officer. Requests for this service must be submitted in Dutch or in English. Requests cannot be sent to the Dutch central body, the Royal Professional Organisation of Judicial Officers in the Netherlands. Its assistance can be requested only in the exceptional circumstances defined in Article 3(c) of the aforementioned EU Regulation.

Pro bono legal services

For primary legal advice, you can ask for help at one of the Legal Help Desks (*Het Juridisch Loket*). Here you can request information, advice and clarification on legal matters. The Legal Help Desks are the first port of call in the provision of legal aid.

If necessary, you will be referred to a private lawyer or mediator, who acts as the secondary line of legal aid.

All information services at the help desks are provided free of charge, on the spot or as part of a consultation. You can contact these help desks about problems concerning civil, administrative, criminal and immigration law.

A total of 44 Legal Help Desks have been established. They are distributed evenly throughout the Netherlands so that every Dutch citizen is within easy reach of legal services.

For more information, see the website of the [Legal Help Desks](#).

Related links

[Public Prosecution Service](#)

[Dutch judiciary and the Supreme Court of the Netherlands](#)

[Netherlands Bar](#)

[Royal Dutch Association of Civil-law Notaries](#)

[Royal Professional Organisation of Judicial Officers in the Netherlands](#)

[Legal Help Desks](#)

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