

The Act of 26 January 2001 to adopt the [Netherlands] Judicial Officers Act

We, Beatrix, by the grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc. etc.
etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas we have considered that it is desirable that regulations be laid down in law with regard to the organisation of the office of judicial officer and with regard to the rights and obligations of judicial officers;

We, therefore, having heard the Council of State, and in consultation with the States-General, have approved and decreed as We hereby approve and decree:

Chapter I. General Provisions

Article 1

For the purposes of the provisions laid down in or pursuant to this Act, the following terms have the meanings hereby assigned to them:

- a. Our Minister: the Dutch Minister of Justice;
- b. official acts: the activities referred to in Article 2;
- c. judicial officer: the official appointed pursuant to Article 4(1);
- d. candidate judicial officer: a person who has successfully completed the training course referred to in Article 25(1);
- e. assigned candidate judicial officer: a candidate judicial officer appointed as such in accordance with Article 26;
- f. the Bureau: the Financial Supervision Bureau referred to in section 110 of the [Netherlands] Civil Law Notaries Act;
- g. the Chamber of Judicial Officers: the body referred to in Article 34;
- h. part-time: a lower number of working hours than the full working week applicable for civil servants employed by ministerial departments;
- i. the KBvG [*Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders*]: the [Netherlands] Royal Professional Association of Judicial Officers, as referred to in Article 56.

Chapter II. Judicial Officers

Paragraph 1. Office and Powers

Article 2

1. A judicial officer is a public official entrusted with the tasks assigned or reserved to him by or pursuant to the law, to the exclusion of all others or otherwise, to process-servers or judicial officers. A judicial officer is in particular entrusted with:

- a. issuing writs of summons and serving other documents giving access to the courts or for the instruction of court proceedings;
 - b. serving judicial notices, notifications, protests and other writs;
 - c. serving evictions, attachments, public foreclosures, notices of detention for failures to comply with a judicial order and other acts constituting a part of or required for the implementation of writs of execution or for the preservation of rights;
 - d. filing protests against the non-acceptance or non-payment of drafts, promissory notes etc., and drawing up deeds of intervention at the foot of a protest;
 - e. the official supervision of the voluntary public sale of moveable corporeal property by auction, to a highest bidder or by Dutch auction.
2. The official acts referred to in paragraph 1 above shall be defined in an order in council.
 3. The aforesaid official acts shall include the activities directly related thereto.
 4. Chapters 3 and 4 of the [Netherlands] Administrative Law Act shall not apply to official acts or the refusal to perform these.

Article 3

1. A judicial officer is authorised to perform official acts within the territory of the Netherlands.
2. A judicial officer is not authorised to perform official acts for or directed at:
 - a. himself, his spouse, his registered partner or a person with whom he maintains a long-term relationship and with whom he co-habits;
 - b. his relatives by blood or marriage to any degree in the direct line, or in the collateral line up to the third degree.
3. A judicial officer is not authorised to perform official acts for or directed at:
 - a. relatives by blood or marriage to any degree in the direct line, or up to the third degree in the collateral line of a person with whom he co-habits and has a long-term relationship;
 - b. a legal entity, if he is or should be aware that one of the persons referred to in paragraph 2(a) above or one of their relatives by blood or marriage in the direct line holds a majority of the shares therein or holds the position of director.
4. Official acts performed in breach of paragraphs 2 or 3 above shall be null and void.

Article 3a

1. An judicial officer who is instructed to perform an official act shall notify Our Minister of the receipt of such instructions without delay in the manner provided for in the ministerial regulations, if that officer has reasonable grounds to believe that the performance thereof may breach the State's obligations under international law.
2. Our Minister can notify an judicial officer that an official act with which he has been or shall be charged, or which he has already performed, breaches the State's obligations under international law.
3. A notification can only be issued *ex officio*. A notification may be issued verbally on account of the necessary speed, in which case it must be confirmed in writing without delay.
4. A notification shall be announced by means of a publication in the [Netherlands] Bulletin of Acts, Orders and Decrees.
5. If the official act has not yet been performed when the judicial officer receives a notification as described in paragraph 2 above, the notification shall entail that the judicial officer is

unauthorised to perform that act. An official act which is performed in breach of the first sentence shall be null and void.

6. If the official act has already been performed when the judicial officer receives a notification as described in paragraph 2 above, and if this act constituted a writ of attachment, the officer must immediately serve this notification on the person on whom that writ had been served, must lift the attachment and must undo the consequences thereof. The costs of serving the notification shall be for the State's account.
7. The judge of the District Court, rendering judgement in preliminary relief proceedings, can cancel the consequences of the notification referred to in paragraph 5 above, first sentence, and the obligations referred to in paragraph 6 above, without prejudice to the powers of the ordinary courts. If the official act constituted an attachment, section 438(4) of the Netherlands Code of Civil Procedure is applicable.

Paragraph 2. The appointment and swearing in

Article 4

1. A judicial officer shall be appointed by Royal Decree. The Decree shall state the place where that officer shall practice. A judicial officer may only commence his tasks as judicial officer after having been sworn in in accordance with article 9.
2. Only the persons appointed and sworn in as such may use the title of judicial officer.

Article 5

1. Only a person:
 - a. with Dutch nationality;
 - b. who has completed a training course to become a candidate judicial officer acknowledged by Our Minister, or who holds an EC attestation as referred to in the [Netherlands] Act on the Recognition of Higher Education Qualifications within the European Union or in the [Netherlands] Act on the Recognition of Vocational Qualifications within the European Union issued for the profession of judicial officer;
 - c. who has worked as an assigned candidate judicial officer for at least two years, including the traineeship referred to in article 27(1), on the understanding however that, in the event of part-time employment, this period shall be extended *pro rata*;
 - d. with a business plan which meets the conditions set forth in article 6(1) as well as the recommendation referred to in article 6(2);
 - e. holding a certificate of good conduct issued under the terms of the [Netherlands] Act on Judicial Records and Certificates of Good Conduct, and
 - f. holding a certificate issued by the Chamber of Judicial Officers confirming whether a measure as referred to in Article 43 has been imposed on him, and if so, which, may be appointed as judicial officer.
2. Paragraph 1(c) above need not be applied in exceptional circumstances and in the case of a person who had been appointed as judicial officer in the past.

Article 6

1. The business plan referred to in Article 5 shall be drawn up in such a way that it at least provides evidence that:
 - a. the applicant has adequate financial means to operate a practice which corresponds with the requirements of the office of judicial officer;
 - b. there are reasonable grounds to believe that the practice shall be cost-effective within three years.
2. A Committee of Experts to be appointed by Our Minister shall issue a recommendation on the business plan. The Committee shall be authorised to make enquiries with the KBvG and the Bureau in connection with its examination of the business plan. The recommendation shall be annexed to the business plan.
3. The secretariat of the Committee of Experts shall be entrusted to the Bureau.
4. The Committee of Experts shall charge the applicant for the costs of the recommendation on the business plan.
5. Further rules shall be laid down regarding the following by or pursuant to an order in council:
 - a. the business plan;
 - b. the composition of and the procedure to be adhered to by the Committee of Experts;
 - c. the way in which the costs of the recommendation shall be computed.

Article 7

1. A candidate judicial officer wishing to qualify for appointment as judicial officer must file an application to that effect with Our Minister, stating the place where he intends to practice as judicial officer. He shall submit documentary evidence with this application demonstrating that he fulfils the requirements contained in Article 5, including the business plan. In the application, he shall also state the office(s) where he worked as assigned candidate judicial officer.
2. Our Minister shall send a copy of the application plus annexes to the Board of the KBvG, with the request that he be informed, at the latest within three months, of any facts or circumstances known to the KBvG which could give that body grounds for refusing the application.
3. An appointment can be refused only if one or more of the conditions set out in Article 5 have not been fulfilled or if, given the applicant's antecedents, there is good reason to fear that the candidate judicial officer shall commit an act or omission contrary to the provisions laid down by or pursuant to the law, or that his appointment will otherwise affect the image or impede the discharge of the office of judicial officer. An order to refuse an appointment shall be issued by Our Minister.
4. A decision shall be made on the application within four months of receipt.

Article 8

In derogation of section 8(4)(d) of the [Netherlands] Administrative Law Act, any interested party may lodge an appeal against a resolution for the appointment as judicial officer.

Article 9

1. The judicial officer shall take the following oath or affirmation before the judge of the District Court within the jurisdiction of which his place of practice is located within two months of the date of his appointment:

“I swear (affirm) allegiance to the King and the Constitution.”

“I swear (affirm) that I shall abide by the laws and regulations applicable to my office and that I shall discharge myself of my tasks honestly and conscientiously.”

“I furthermore swear (affirm) that I have neither promised nor given, nor shall I promise or give any gifts or donations, either directly or indirectly to any person, under whatever name or pretext, to be appointed as judicial officer.”

2. If the oath or affirmation is not taken within the period referred to in paragraph 1 above, the appointment shall elapse. Our Minister may extend the period referred to in paragraph 1 above.

3. Before taking the oath or affirmation, the judicial officer shall file his signature and initials with the Clerk of the District Court referred to in paragraph 1 above. If the judicial officer relocates his place of practice outside the jurisdiction of the District Court where his place of practice is located, he shall file his signature and initials with the Clerk of the District Court of his new place of practice as soon as possible after his appointment to the new place of practice.

Article 10

1. Our Minister may change a judicial officer’s place of practice, subject to the approval of the person concerned, in an order also stating the effective date.

2. A judicial officer wishing to relocate his practice shall file an application to that effect with Our Minister. In this application, he shall state the municipality where he intends to practice. The application shall enclose a business plan as referred to in Article 6(1) for the place where he intends to practice, as well as the recommendation referred to in Article 6(2). Article 7(2) and (4) shall apply *mutatis mutandis*.

3. The application may be refused only if the business plan enclosed therewith does not meet the requirements set forth in Article 6.

4. If the judicial officer sets up a practice outside the jurisdiction of the District Court where his place of practice is located, he shall not be authorised to transfer his register and repertory to this new place of practice.

Paragraph 3. Obligations

Article 11

If so requested, the judicial officer is required to perform the official acts which he is authorised to perform within the entire jurisdiction of the District Court where his place of practice is located at any time, unless:

- a. he cannot be reasonably expected to do so in the light of his personal circumstances;
- b. the petitioner is not prepared to pay the advance requested by the judicial officer under the terms of this act in order to perform official acts.

Article 12

1. In the event of the circumstances referred to in Article 11 (a), the judicial officer shall take the necessary measures to ensure that official acts can be performed locally if required, insofar as this is within his power. To this end, the judicial officer may request Our Minister to appoint a deputy. The judicial officer may recommend a deputy for that purpose.

2. If the judicial officer has been prevented from fulfilling his office for more than thirty days, he shall inform Our Minister of that fact, indicating the measures referred to in paragraph 1 above which he has taken.

Article 13

When performing official acts, the judicial officer shall be required to identify himself on request by means of an identity document issued by Our Minister.

Article 14

Before proceeding with the enforcement of a writ of execution for the eviction of real property, a mobile home or houseboat, the judicial officer shall inform the Municipal Executive of the municipality where the eviction is to be effected of the date and time of the enforcement as soon as possible.

Article 15

1. The judicial officer must draw up his writ in a clear and uninterrupted account without abbreviations and in accordance with the applicable statutory regulations.

2. The judicial officer shall date and sign the writ. The date shall be transcribed in words.

3. The costs referred to in sections 240 and 434a of the Netherlands Code of Civil Procedure shall be set forth at the foot of the writ.

4. The judicial officer shall hand the original writ over to the party at whose request he performed the official act, if requested to do so. He shall keep a copy of every writ for his own records.

Article 16

1. A judicial officer shall have offices in the place where he practices. He is required to keep his register and repertory at this office.

2. If he so requests, Our Minister may allow a judicial officer to set up a branch office elsewhere, after having heard the Committee of Experts referred to in Article 6.

Paragraph 4. Administrative Records and Accounting

Article 17

1. The judicial officer is required to keep administrative records both of his duties as such and of his business assets, and it must be possible to establish his rights and obligations on that basis, simply and at any time. He is also required to keep records of his personal assets, including the

assets of a community of property in which he is married, or of a registered partnership. The judicial officer must draw up a balance sheet both of his business assets and his personal assets, as well as a statement of income and expenditure for his business activities every year.

2. The records of the judicial officer's duties as such, as referred to in paragraph 1 above, shall concern his official acts and the other activities performed by him, as described in Article 20. The records of his official acts shall include a register and a repertory.

3. The register shall contain, ordered by date, the copies of the writs drawn up or signed by the judicial officer, official records, deeds and statements.

4. The repertory must be updated daily and shall contain the following information on the writs served by the judicial officer:

- a. the date of the writ;
- b. the nature of the writ;
- c. the name of at least one of the parties involved, and
- d. the costs of the writ.

5. Rules shall be laid down in bylaws on how the business and personal records must be set up and kept up-to-date.

Article 18

1. A judicial officer is required to keep the documents and copies of his business administration for the period referred to in section 2:10(3) of the Netherlands Civil Code. Section 2:10(4) of the Netherlands Civil Code shall apply.

2. A judicial officer is required to provide authenticated copies or extracts from documents in his register to the persons who, at the time of the drawing up or service of the deeds, received either the original or a copy, or to their legal successors by universal or singular succession, in consideration of the costs to be fixed in ministerial regulations. The authenticated copies or extracts shall be certified as such upon issue and shall be signed and dated by the issuing judicial officer.

3. In the event of death, the relocation of the place of practice as referred to in Article 10(4) or a discharge from office, the judicial officer or his heirs shall hand over the documents of which the records consist and which must be kept pursuant to paragraph 1 above, to the deputy judicial officer or a custodian to be designated by Our Minister. Paragraph 2 above shall apply *mutatis mutandis* to the person to whom the documents are handed over.

4. Paragraph 1 above shall apply *mutatis mutandis* to the judicial officer's personal records.

Article 19

1. The judicial officer is required to keep one or more special accounts in his name with a credit institution registered in conformity with the [Netherlands] 1992 Credit System (Supervision) Act, as described in section 1(1)(a) under 1 of that Act, stating his capacity; such accounts must be earmarked solely for funds of which he takes receipt on behalf of third parties in connection with his duties as judicial officer. Any funds entrusted to a judicial officer in that capacity in connection with his duties on behalf of third parties must be paid into that account. The credit institution referred to above must transfer the interest accrued on those funds into that special account. If these funds are paid into another of the judicial officer's accounts by mistake, or if funds are paid into the special account erroneously, the judicial officer is required to transfer these into the correct account without delay. The same applies if funds are handed over to the judicial officer directly. If

a number of judicial officers work together in a partnership, the special account may be held in the joint names of those judicial officers, the partnership or the company. The judicial officer shall record the number of the special account on his letterhead.

2. The judicial officer shall be exclusively authorised to manage and dispose of the special account. A judicial officer may agree with a rightholder that the latter's share in the balance of the special account shall be paid out periodically. He may grant a power of attorney to a person working under his responsibility. He may make payments to the debit of this account only by order of a rightholder.

3. The claim arising from the special account shall vest in the joint rightholders. Each rightholder's share shall be computed in proportion to the sum paid into the special account for his benefit. The judicial officer or, if it concerns a joint account as referred to in the sixth sentence of paragraph 1 above, each judicial officer, shall be required to make good a deficit in the balance of the special account forthwith, and shall be liable with regard to such a deficit, unless he can provide *prima facie* evidence that he is not to blame for the deficit.

4. Insofar as the nature of his right does not entail otherwise, a rightholder shall be entitled to the distribution of his share of the balance of the special account at any time. If the balance of the special account is insufficient to pay out the share accruing to each rightholder, the judicial officer may only distribute such a sum to the rightholder as is possible in the light of the rights of the other rightholders. In that case, the balance shall be distributed amongst the rightholders in proportion to their respective shares, albeit that if a judicial officer himself is a rightholder, he shall be apportioned only the sum remaining after all the other rightholders have received the share to which they are entitled.

5. No garnishee order may be served on the share of a rightholder in the special account kept by the credit institution referred to in paragraph 1 above. If a garnishee order is served on the share of a rightholder in the special account kept by a judicial officer, the judicial officer who has made the statement in accordance with sections 476a and 477 of the Netherlands Code of Civil Procedure or against whom an order has been made in accordance with section 477a of that Code may pay the judgement creditor in accordance with the statement or order without instructions from the rightholder.

6. Legal acts performed contrary to the provisions contained in this Article shall be avoidable. The grounds for avoidance can be invoked by any party with a direct interest. Rights acquired by third parties, for valuable consideration and in good faith, to funds which were the subject of the avoided legal act, shall be honoured.

7. Rules shall be laid down with regard to the method for computing and paying out interest on the funds paid into the special account in ministerial regulations. No interest shall be due below a sum to be fixed in such an order.

8. The provisions contained in this Article and the rules referred to in paragraph 7 above can not be derogated from.

Paragraph 5. Secondary posts

Article 20

1. The judicial officer shall undertake activities other than those referred to in Article 2 only if they do not affect or impede the proper and independent discharge of his office or its reputation.

2. Bylaws may be laid down with regard to the performance of certain duties in the framework of the interests referred to in paragraph 1 above by an order in council.

3. The performance of certain activities can be prohibited in an order in council, unless this concerns:

- a. acting as a representative *ad litem* or as cause-list attorney and providing legal assistance in court or otherwise, in accordance with or pursuant to the relevant statutory provisions;
- b. acting as trustee or administrator;
- c. collecting funds for third parties, in which connection Article 19 shall be applicable *mutatis mutandis*;
- d. drawing up inventories and making appraisals;
- e. drawing up a written statement regarding material facts observed by the judicial officer personally;
- f. operating an auctioneer's business, albeit that a judicial officer may not perform the official acts referred to in Article 2(1)(e).

Paragraph 6. Statement of Expenses

Article 21

Rules shall be laid down for the payment of advances on the sums payable to a judicial officer by clients in an order in council.

Article 22

The judicial officer is required to draw up a bill of fees with regard to a case entrusted to him, clearly indicating how the expenses charged have been computed and whether they relate to official acts or to any other activities referred to in Article 20.

Chapter III. Deputy Judicial Officers, Candidate Judicial Officers and Assigned Candidate Judicial Officers

Paragraph 1. Deputy Judicial Officers

Article 23

1. In the event of a discharge from office, or if a judicial officer appointed in a certain place cannot perform his official duties due to illness, absence or suspension, Our Minister may appoint a deputy judicial officer for a definite or an indefinite period.

2. The following may be appointed as deputy judicial officers:

- a. a judicial officer;
- b. a person who meets the requirements for appointment as judicial officer, with the exception of the requirement of Article 5(1)(d);
- c. in the event of a discharge on account of the fact that a judicial officer has attained the age of 65, the discharged officer himself, but not for a period exceeding one year.

3. A person as referred to in paragraph 2(b) above who is appointed as deputy judicial officer for the first time shall take the following oath or affirmation at the public hearing before the judge presiding over the District Court within the jurisdiction of which his place of practice is located as soon as possible after his appointment:

“I swear (affirm) allegiance to the King and the Constitution.”

“I swear (affirm) that I shall abide by the laws and regulations applicable to my office and that I shall discharge myself of my tasks honestly and conscientiously.”

4. The deputy’s offices shall end:

a. as a result of a discharge by Our Minister;

b. if the judicial officer on whose behalf the deputy had been appointed resumes his office after so informing Our Minister;

c. as a result of the expiry of the period for which the deputy judicial officer was appointed.

Article 24

1. A deputy judicial officer shall have the same rights and obligations as a judicial officer.

2. Without prejudice to the provisions set forth in Article 3(2) to (4) and Article 3a, a deputy judicial officer shall be authorised to execute an application for the performance of official acts directed at the judicial officer or the deputy judicial officer for whom he is deputising. He shall inform the petitioner of the deputisation.

3. After expiry of the deputisation, paragraph 2 above shall be applicable *mutatis mutandis* to the judicial officer whose duties were deputised with regard to applications for the performance of official acts directed at the deputy judicial officer.

4. The judicial officer whose duties are to be deputised shall provide the deputy judicial officer access to his administrative records insofar as this is necessary for the deputisation.

5. In the event of deputisation on account of illness or absence, the deputy judicial officer may continue the administration of the judicial officer for whom he is deputising, in consultation with the latter and in derogation of Article 17.

6. After expiry of the deputisation, paragraph 4 above shall be applicable *mutatis mutandis* to the former deputy judicial officer vis-à-vis the judicial officer for whom he deputised.

7. When performing official acts, the deputy judicial officer shall give notice of his capacity. Except in the event of discharge, he shall state not only his surname and first names, but also the surname, first names and place of practice of the judicial officer for whom he is deputising.

Paragraph 2. Candidate Judicial officers and Assigned Candidate Judicial officers

Article 25

1. Candidate judicial officers are persons who have successfully completed a course as candidate judicial officer approved by Our Minister, or a person holding an EC attestation as described in the [Netherlands] Act on the Recognition of Higher Education Qualifications within the European Union or in the [Netherlands] Act on the Recognition of Vocational Qualifications within the European Union for the profession of judicial officer.

2. The approval referred to in paragraph 1 above shall be granted if the curriculum complies with the criteria set by or by virtue of an order in council. These criteria may relate to:

a. the duration of the training course and the study programme;

- b. the admission to the training course;
 - c. the organisation and operation of the training course;
 - d. the exams, and the legal protection offered to the students;
 - e. the financial contribution to be paid by the students.
3. The approval may be revoked if:
- a. the approval has been granted on the basis of incorrect data;
 - b. the training institute does not execute the study programme or does so improperly;
 - c. the training institute does not comply with the regulations laid down by or pursuant to the law.
4. More detailed rules for the application for approval and the decision-making process for such approval shall be laid down by or pursuant to an order in council. A committee may be set up by or pursuant to an order in council and may be charged with hearing appeals from students and trainees and with giving advice on the study programme.

Article 26

1. Subject to the approval of Our Minister, a judicial officer may designate a candidate judicial officer working at his offices as assigned candidate judicial officer.
2. The application for approval shall be filed by the judicial officer and the candidate judicial officer jointly and shall set forth:
 - a. the candidate judicial officer's surname, first names, place and full date of birth;
 - b. the judicial officer's surname, first names and place of practice;
 - c. if the candidate judicial officer has previously worked as an assigned candidate judicial officer, the period in which he did so, and the names and places of practice of the judicial officers to whom he was previously assigned.
3. A candidate judicial officer may be designated as assigned candidate judicial officer only if he holds a certificate of good conduct issued under the [Netherlands] Act on Judicial Records and Certificates of Good Conduct.
4. Rules on the period for which the approval is valid and the number of assigned candidate judicial officers who may work simultaneously under the responsibility of one judicial officer shall be laid down by an order in council.
5. The approval may be withdrawn if the assigned candidate judicial officer breaches the provisions laid down by or pursuant to the law when discharging his duties, or if he prejudices the reputation of the profession of judicial officers or impedes the discharge of their official duties.
6. The approval shall be withdrawn at the request of the assigned candidate judicial officer.

Article 27

1. An assigned candidate judicial officer shall complete a one-year traineeship. That period shall be extended *pro rata* if he works part-time.
2. Rules shall be laid down in an order in council on the programme to be completed within the traineeship, the examination of the trainee's knowledge and abilities and the rights and obligation of a trainee and the judicial officer in whose offices he works.
3. Every judicial officer is required to co-operate in the training of candidate judicial officers to the best of his ability. If a candidate judicial officer does not find a judicial officer who is willing to appoint him as assigned candidate judicial officer for the purposes of his traineeship, the Board of

the KBvG shall designate such a judicial officer, unless this would impose an unreasonable burden on the relevant judicial officer.

Article 28

1. An assigned candidate judicial officer may perform the official acts which the judicial officer at whose office he is employed is authorised to perform for and on behalf of the latter, barring those acts which the judicial officer is authorised to perform pursuant to the appointment as deputy judicial officer.

2. Articles 3(2) and (3), 13, 15 and 20 shall apply *mutatis mutandis* to assigned candidate judicial officers. Article 23(3) shall be applicable *mutatis mutandis* to an assigned candidate judicial officer, on the understanding that the following oath or the following solemn affirmation is taken:

“I swear (affirm) allegiance to the King and the Constitution.”

“I swear (affirm) that I shall abide by the laws and regulations applicable to my office and that I shall discharge myself of my tasks honestly and conscientiously.”

3. In performing official acts, the assigned candidate judicial officer shall state the surname, first names and place of practice of the judicial officer to whom he has been assigned, in addition to his own surname, first names and capacity.

4. The assigned candidate judicial officer shall not perform any official acts if a deputy judicial officer has been appointed in the place of a judicial officer, unless the judicial officer has granted him permission to continue his work as assigned candidate judicial officer under the responsibility of the deputy judicial officer, after giving notice to Our Minister of that fact.

Article 29

An appointment as assigned candidate judicial officer shall end as a result of:

- a. a written notification to Our Minister and to the assigned candidate judicial officer of the withdrawal of the appointment by the judicial officer who made the appointment;
- b. the discharge or death of the judicial officer who made the appointment;
- c. the withdrawal of the approval, or the expiry of the period for which the approval was granted, as referred to in Article 26;
- d. the appointment of the assigned candidate judicial officer as judicial officer.

Chapter IV. Supervision and Disciplinary Proceedings

Paragraph 1. Supervision

Article 30

1. The Financial Supervision Bureau referred to in section 110 of the [Netherlands] Civil Law Notaries Act shall enforce the judicial officers' compliance with the provisions laid down by or pursuant to Articles 17, 19(1) and (2), third sentence and (7). Part 5.2 of the [Netherlands] Administrative Law Act shall not apply.

2. Sections 110(2) to (11) inclusive, 111 and 112(7) and (8) and 113 of the [Netherlands] Civil Law Notaries Act shall apply *mutatis mutandis*.

Article 31

1. The judicial officer is required to submit the documents referred to in Article 17(1) to the Bureau within six months of the end of every financial year, enclosing a report on the examination by an accountant as described in section 2:393(1) of the Netherlands Civil Code, which must at least have the nature of an audit with regard to the judicial officer's annual accounts.
2. The Bureau may require the judicial officer to grant it access to his business and personal records and related documents, balance sheets, statements of income and expenditure, the register and the repertory. The Bureau may require the judicial officer to provide copies of these documents.

Article 32

1. If the Bureau becomes aware of facts or circumstances in the course of its supervision which it believes constitute grounds for disciplinary action, it shall notify the chair of the Chamber of Judicial Officers of its findings, if necessary in the form of a complaint.
2. The Bureau is entrusted with any and every investigation of a judicial officer's business and personal records, as instructed by the chair of the Chamber of Judicial Officers in accordance with Article 34(6).

Article 33

1. The Bureau shall provide the Committee of Experts referred to in Article 6(2) with information on the audit of the business plan if the latter so requests.
2. The Board of the KBvG is required to provide assigned candidate judicial officers with information on the official acts performed by judicial officers if they so request in connection with the drafting of a business plan as referred to in Article 5. The Board of the KBvG may be required to provide the Bureau with the information required for this purpose in an order in council.

Paragraph 2. Disciplinary Proceedings

Article 34

1. Judicial officers shall be subject to disciplinary proceedings with regard to any acts or omissions in breach of any provision laid down by or pursuant to this Act and with regard to any acts or omissions not befitting a good judicial officer or candidate judicial officer.
2. In first instance, disciplinary proceedings shall be conducted by the Chamber of Judicial Officers. The Chamber of Judicial Officers is established in Amsterdam. It may conduct sessions outside the place where it is established.
3. Appeals in disciplinary proceedings shall be conducted by the Court of Appeal of Amsterdam. No appeal is possible against the decisions rendered by the Court of Appeal, barring cassation in the interest of the law.
4. If a complaint is filed against him or if a request as described in Article 37(2) has been made, a member or a deputy member of the Chamber of Judicial

Officers who is a judicial officer shall be replaced by another member or a deputy member to be designated by the judge presiding over the Court of Appeal of Amsterdam and to be appointed by Our Minister pursuant to Article 35(3).

5. If a judicial officer is suspended or discharged, he shall remain subject to disciplinary proceedings with regard to any acts or omissions as referred to in paragraph 1 above committed in the period in which he worked as a judicial officer.

6. The chair of the Chamber of Judicial Officers may instruct the Bureau to conduct an investigation and to report to him on its findings, if he deems this desirable in the interests of the investigation.

Article 35

1. The Chamber of Judicial Officers shall consist of five members, including the chair, and ten deputy members, including two or more deputy chairs.

2. Our Minister shall appoint three members, including the chair, as well as six deputy members, including the deputy chairs, from members of the judiciary who have been appointed for life.

3. Our Minister shall appoint two members and four deputy members from the judicial officers at the recommendation of the KBvG, after having heard the chair of the Chamber of Judicial Officers. The recommendation shall nominate at least three names for each appointment.

4. The members and deputy members shall be appointed for four years; they shall be eligible for re-appointment once upon resignation.

5. The membership of the Chamber of Judicial Officers shall be incompatible with membership of the Board of the KBvG.

6. The Clerk of the District Court of Amsterdam shall be secretary of the Chamber. A deputy Clerk may deputise for him with the chair's approval.

7. The travel and accommodation expenses of the chair, the deputy chair, the members, the deputy members and the secretary shall be paid by the State.

Article 36

1. The Chair, the members, the deputy members and the secretary of the Chamber of Judicial Officers shall not be permitted:

a. to divulge any information which has come to their attention in that capacity;

b. to make public any sentiments expressed in Chambers about pending matters;

c. to take part in any interview or conversation with interested parties or to accept any special information or written document from such parties with regard to a matter pending before them or a matter which they know or presume shall be filed with them.

2. A judicial officer who is a member or a deputy member of the Chamber of Judicial Officers may not be appointed as a deputy judicial officer.

3. The provisions set forth in sections 46c(2), 46d(2), 46f, 46g(1) and (2), 46i, with the exception of (1c), 46j, 46l(1) and (3), 46m, 46o and 46p(1) to (5) inclusive of the [Netherlands] Judiciary (Organisation) Act shall apply *mutatis mutandis* to the members and deputy members of the Chamber of Judicial Officers.

4. The membership of the Chamber of Judicial Officers shall expire by the operation of law if the members and deputy members no longer meet the requirements for appointment.

Article 37

1. At least two members or deputy members, including the chair or deputy chair appointed by Our Minister pursuant to Article 35(2), and a member or deputy member appointed by Our Minister pursuant to Article 35(3), shall participate in the consideration and decision-making process in disciplinary proceedings, on pain of nullity.
2. The Chamber of Judicial Officers shall consider a complaint against a judicial officer, either at the request of Our Minister or further to a complaint filed with the Chamber. A request by Our Minister or a complaint shall be filed with the chair of the Chamber of Judicial Officers in writing, stating reasons. If the complainant so requests, the secretary shall assist him in putting the complaint in writing.
3. If the chair believes that a complaint or request could be settled amicably, he shall call on the complainant or Our Minister and the relevant judicial officer to try and reach such a settlement. He shall notify the Chamber of any complaints or requests which cannot be settled amicably.
4. The members of the Chamber of Judicial Officers may request to be excused on the grounds of a possible conflict of interests and may be challenged if there are facts or circumstances regarding them which could prejudice the impartiality of the judiciary in general. Title IV of Book 4 of the Netherlands Code of Criminal Procedure shall apply *mutatis mutandis*, on the understanding however that:
 - a. instead of the Public Prosecutor's Office and the defendant, Our Minister, the judicial officer and the complainant may file an application for a challenge;
 - b. such an application for a challenge must be filed verbally or in writing no later than upon commencement of the hearing, unless the facts or circumstances on which the application for a challenge is based do not arise or become apparent until the hearing is underway;
 - c. the person to decide on the application for a challenge, together with the other members of the Chamber of Judicial Officers, shall be designated from the members and deputy members of the Chamber other than those entrusted with the case.

Article 38

1. The Chamber of Judicial Officers shall be authorised to suspend a judicial officer, at the request of Our Minister or otherwise, if it has grave suspicions that such an officer has committed one of the acts or omissions referred to in Article 34(1), and may do so for a maximum of six months, pending a decision. The Chamber may extend this period once for a further maximum of six months or until a decision on the recommendation for discharge has become final and irrevocable. The Chamber of Judicial Officers may lift the suspension at any time.
2. The secretary of the Chamber of Judicial Officers shall inform Our Minister and the relevant judicial officer of a suspension as referred to in paragraph 1 above and of a decision to extend or lift the suspension forthwith.
3. The relevant judicial officer shall be heard on the proposal to suspend him.
4. If the Chamber of Judicial Officers decides to order a suspension for a specific period in connection with the acts or omissions referred to in Article 34(1), it may reduce that period by the period of the suspension referred to in paragraph 1 above.
5. Paragraph 1 above shall apply *mutatis mutandis* if criminal proceedings have been instigated against a judicial officer with regard to a criminal offence, and if the criminal offence also affects the exercise of the judicial officer's official duties.

6. Our Minister or the relevant judicial officer may lodge an appeal by means of a notice of appeal with the Court of Appeal of Amsterdam within thirty days of the notification referred to in paragraph 2 above which must be supported with reasons. The appeal shall not suspend the decision against which it has been lodged.

Article 39

1. The chair may dismiss manifestly inadmissible and manifestly unfounded complaints as well as complaints which are, in his opinion, of insufficient consequence, in a ruling which must be supported with reasons, without further investigation by the Chamber of Judicial Officers. The secretary shall notify the complainant and the relevant judicial officer of the chair's ruling forthwith. The copy of the ruling shall enclose a statement specifying the period within which and the manner in which objections can be filed. No legal remedy can be applied against the notification of the complaint.

2. The complainant may file a written objection against the chair's decision to dismiss a complaint with the Chamber of Judicial Officers, within fourteen days of the despatch of the notification.

3. The decision shall lapse as a result of the objection, unless the Chamber of Judicial Officers declares the objection inadmissible or unfounded. The Chamber of Judicial Officers may declare the objection inadmissible or unfounded only after the complainant and, if necessary, the relevant judicial officer, have been given the opportunity to be heard.

4. The decision on the objection must be supported with reasons. No legal remedy can be applied against the decision. The complainant and the relevant judicial officer shall be notified of the decision in writing.

Article 40

1. If Article 39(1) is inapplicable or if the objection has been declared well-founded, the Clerk shall send the relevant judicial officer a copy of the written complaint and the accompanying documents as soon as possible.

2. The judicial officer may file a defence within one month of the date of despatch of the documents referred to in paragraph 1 above; the chair may extend this period if requested to do so. The secretary shall send the complainant a copy of this document.

3. The chair is authorised to ask the relevant judicial officer to provide information in writing within a period to be set by the former, and to return any documents or objects in his possession or at his disposal or certified copies thereof.

Article 41

1. The chair shall set the date for the hearing of the case. The secretary shall summon the relevant judicial officer and the complainant to appear at the hearing in writing at least ten days in advance.

2. If the consideration of the case is adjourned or suspended for a specific period in the course of the hearing, no new notification as referred to in paragraph 1 above shall be despatched.

3. The hearing of the Chamber of Judicial Officers shall be public. The Chamber of Judicial Officers may order that the hearing be conducted *in camera* in whole or in part if it has good reason for doing so.

4. The relevant judicial officer and the complainant may seek the assistance of or have themselves represented by a representative *ad litem*.

5. The Chamber of Judicial Officers may refuse to admit certain persons other than attorneys-at law or attorneys of record as counsel. In the event of such a refusal, the Chamber shall adjourn the case until the next hearing.

6. The secretary of the Chamber of Judicial Officers shall give the relevant judicial officer and the complainant, as well as their representatives *ad litem* or any other persons who assist them, the opportunity to acquaint themselves with the documents relating to the case in good time. The provisions laid down by or pursuant to the [Netherlands] Civil Cases (Fees) Act shall apply *mutatis mutandis* to the sums payable for providing copies or extracts and to items to be provided free of charge.

7. The relevant judicial officer and the complainant or their representatives *ad litem* and others assisting them shall be given the opportunity to address the Chamber and to clarify their position.

Article 42

1. The Chamber of Judicial Officers may call and hear witnesses and experts. One of the members of the Chamber may also be instructed to hear witnesses and experts. Every person summoned to appear as witness or expert is required to comply with the summons. He shall furthermore be required to answer the questions put to him, or to render the services requested.

2. The Public Prosecutor shall arrange for a writ of summons to be served on the above at the request of the Chamber of Judicial Officers. The person concerned shall be required to appear after having been summoned.

3. If a witness or expert does not comply with the writ of summons, the public prosecutor shall issue another writ of summons at the Chamber's request, with a warrant to bring this person before the court, if so requested. Section 556 of the Netherlands Code of Criminal Procedure shall apply *mutatis mutandis*.

4. Sections 290 and 292(1) and (4) or section 299 of the Netherlands Code of Criminal Procedure shall apply *mutatis mutandis* to the hearing of a witness or an expert.

5. Sections 217 to 219 inclusive of the Netherlands Code of Criminal Procedure shall apply *mutatis mutandis* to witnesses and experts.

6. If they so wish, the witnesses and experts shall receive compensation upon presentation of their summons or writ of summons; this shall be fixed by the chair of the Chamber of Judicial Officers in accordance with the provisions laid down by or pursuant to the [Netherlands] Civil Cases (Fees) Act.

Article 43

1. A decision by the Chamber of Judicial Officers on a complaint against a judicial officer can declare the complaint inadmissible, unfounded or well-founded. The decision must be supported with reasons and shall be rendered in public, all this on pain of nullity.

2. If the Chamber of Judicial Officers declares the complaint to be well-founded in whole or in part, it may order the following measures:

a. a reprimand;

b. a reprimand giving notice that if the relevant judicial officer commits any of the acts or omissions referred to in Article 34(1) again, the Chamber shall consider a fine, suspension or removal from office;

c. a fine of the third category;

d. suspension for a maximum period of one year;

e. removal from office.

3. The decision to impose a measure as referred to in paragraph 2 above may stipulate that it shall be made public in the manner prescribed therefor, if an interest protected by Article 34(1) so dictates.

4. A measure can be imposed only after the decision has become final and irrevocable, or at a later date to be fixed in the decision.

5. A decision to impose a fine shall stipulate the period within which the fine must be paid. The chair may extend this period at the request of the judicial officer. If the fine is not paid within the period set, the Chamber of Judicial Officers may decide *ex officio* that the judicial officer be removed from his office, after having given the judicial officer the opportunity to be heard. The fine imposed shall be forfeit to the State.

6. The secretary of the Chamber of Judicial Officers shall forward the written decision to Our Minister, the relevant judicial officer and the complainant without delay. In its decision, the Chamber may decide that the complainant shall be notified only of that part of the decision which is relevant to him.

Article 44

Articles 40 to 43 inclusive shall apply *mutatis mutandis* to the consideration of a complaint against a judicial officer at the request of Our Minister.

Article 45

1. Our Minister, the relevant judicial officer or the complainant may lodge an appeal against a decision by the Chamber of Judicial Officers on a complaint against a judicial officer within thirty days of the date of the written notification referred to in Article 43(6) with the Court of Appeal of Amsterdam, by means of a notice of appeal which must be supported with reasons.

2. The notice of appeal shall be lodged with the Clerk of the Court of Appeal, together with an authenticated copy of the decision against which the appeal is being lodged.

3. The appeal shall be considered by a division of the Court of Appeal entrusted with civil matters.

4. The members of the Court of Appeal may request to be excused on the grounds of a possible conflict of interests and may be challenged if there are facts or circumstances regarding them which could affect the impartiality of the judiciary in general. Chapter IV of Book 4 of the Netherlands Code of Criminal Procedure shall apply *mutatis mutandis*, on the understanding however that:

a. instead of the Public Prosecutor's Office and the defendant, Our Minister, the judicial officer and the complainant may file an application for a challenge;

b. such an application for a challenge must be filed verbally or in writing no later than upon commencement of the hearing, unless the facts or circumstances on which the challenge is based do not arise or become apparent until the hearing is underway;

c. the person to decide on an application for a challenge shall be designated from the members and deputy members of the Court of Appeal other than those entrusted with the case, together with the other members of the Court of Appeal.

5. The appeal shall suspend the execution of the measure imposed on the relevant officer.

Article 46

1. The Clerk of the Court of Appeal shall notify the Chamber of Judicial Officers as well as Our Minister, or the judicial officer or the complainant of the appeal, insofar as this was not lodged by the latter, enclosing a copy of the notice of appeal.
2. The Chamber of Judicial Officers shall forward the documents relating to the case to the Court of Appeal within three weeks of receipt of the notification referred to in paragraph 1 above.

Article 47

Articles 40(2) and (3) and articles 41 to 43 inclusive shall apply *mutatis mutandis* to the consideration of the appeal.

Article 48

1. The Court of Appeal shall uphold the decision of the Chamber of Judicial Officers, either adopting or improving the grounds, or shall do what the Chamber of Judicial Officers should have done by quashing the decision in whole or in part. The Court of Appeal's decision must set out the reasons for the decision and shall be rendered in public, all this on pain of nullity.
2. If the Court of Appeal quashes a decision by the Chamber of Judicial Officers on the grounds of inadmissibility, the case shall be referred back to the Chamber of Judicial Officers for re-consideration.
3. If the appeal had been lodged by the relevant judicial officer alone, the Court of Appeal may increase the measure imposed by unanimous vote only.
4. The Clerk shall send copies of the decision rendered by the Court of Appeal to the Chamber of Judicial Officers, Our Minister, the relevant judicial officer and the complainant forthwith.
5. The Clerk shall send the Chamber of Judicial Officers copies of a decision as referred to in paragraph 2 above, as soon as possible, together with the documents relating to the case.

Article 49

The provisions set forth in this chapter with regard to a judicial officer shall apply *mutatis mutandis* to:

- a. a deputy judicial officer, on the understanding however that if a complaint against him is declared well-founded, in whole or in part, he may also be suspended from exercising his office as deputy for a specific period;
- b. an assigned candidate judicial officer, on the understanding however that, if an objection which has been raised against him is declared well-founded, in whole or in part, disciplinary measures, as referred to in article 43(2) subparagraphs a, b and c, may be imposed on him.

Chapter V. Suspension and Discharge

Article 50

1. A judicial officer or deputy judicial officer who has been suspended is not authorised to perform any official act on any account whatsoever. During the suspension he shall not be permitted to use his official title or to refer to his title in the course of any duties.
2. Suspension may be grounds for discharge from an appointment as deputy judicial officer.

Article 51

A judicial officer or deputy judicial officer shall be suspended by the operation of law:

- a. if he is deprived of his freedom on legal grounds;
- b. if he is granted a suspension of payments or as long as he is bankrupt;
- c. if he is placed under a guardianship order;
- d. if an administrator is appointed over his property;
- e. if he is declared subject to the debt rescheduling programme for natural persons.

Article 52

1. A judicial officer shall be discharged from his office by the operation of law as of the first month following the month in which he attains the age of 65.
2. A judicial officer shall be granted a discharge by Royal Decree:
 - a. at his own request;
 - b. in response to a final and irrevocable decision as referred to in Article 43(2) (e) to remove him from his office;
 - c. if he loses his Dutch nationality.
3. Our Minister may grant a judicial officer a discharge on account of:
 - a. a final and irrevocable judicial decision in which the officer is placed under a guardianship order;
 - b. detention for his failure to comply with a final and irrevocable judicial decision on account of debts;
 - c. a final and irrevocable conviction to imprisonment on account of a criminal offence;
 - d. his bankruptcy, suspension of payments or the applicability of the debt rescheduling programme for natural persons;
 - e. his permanent unsuitability for fulfilling the office of judicial officer on account of illness or defects.
4. The discharge of a judicial officer shall also imply his discharge as a deputy judicial officer.

Article 53

1. A judicial officer may appeal with the secretary of the Chamber of Judicial Officers against a decision for his discharge as referred to in Article 52(3) with that Chamber, by submitting a written document which must be supported with reasons, on the grounds that the discharge was granted wrongfully and shall do so within one month of the date of the decision.
2. The secretary of the Chamber of Judicial Officers shall send a copy of the notice of appeal to Our Minister forthwith.
3. Articles 40(2) and (3) and articles 41 and 42 shall apply to the consideration of the notice of appeal. Chapter 6 of the [Netherlands] Administrative Law Act shall not apply.
4. The Chamber of Judicial Officers shall declare the appeal inadmissible, unfounded or founded. If the appeal is declared founded, the Chamber shall quash the decision against which it was lodged. The Chamber's decision must be supported with reasons.
5. The secretary of the Chamber of Judicial Officers shall notify Our Minister and the relevant judicial officer of the decision rendered by that Chamber forthwith.

Article 54

1. The relevant judicial officer and Our Minister may lodge an appeal with the Clerk of the Court of Appeal of Amsterdam against a decision rendered by the Chamber of Judicial Officers within one month of the date of the notification referred to in Article 53(5) by means of a written document supported with reasons.

2. Articles 40(2) and (3), and articles 41, 42, 45(2) to (4) inclusive and Article 46 shall apply *mutatis mutandis* to the consideration of the appeal. Chapter 6 of the [Netherlands] Administrative Law Act shall not apply.

3. The Court of Appeal shall uphold the decision of the Chamber of Judicial Officers, either adopting or improving the grounds, or shall do what the Chamber of Judicial Officers should have done by quashing the decision in whole or in part. Article 48 shall apply *mutatis mutandis*.

Article 55

A decision to discharge a judicial officer as referred to in Article 52(3) shall not become effective until it has become final and irrevocable.

Chapter VI. The Royal Professional Association of Judicial Officers [the KBvG]

Paragraph 1. The Organisation of the KBvG

Article 56

The *Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders* (the Royal Professional Association of Judicial Officers or *KBvG*) is a public body in the sense of Article 134 of the Netherlands Constitution. All judicial officers, deputy judicial officers and assigned candidate judicial officers practising in the Netherlands are members of the KBvG. The KBvG is located in Utrecht.

Article 57

1. The KBvG is charged with ensuring its members' proper professional conduct and promoting their professional skills.

2. Bylaws may be drawn up to provide codes of professional conduct and codes of practice for the members of the KBvG. Bylaws may also be drawn up to lay down rules for the promotion of the members' professional skills.

Article 58

The KBvG has a Board, a Council of Members and a General Meeting.

Article 59

The KBvG shall operate an office to assist the Board in discharging its duties.

Paragraph 2. The Board of the KBvG

Article 60

1. The Board is entrusted with the general management of the KBvG and with discharging the duties described in Article 57, as well as the administration of its capital and the disposal thereof. It shall furthermore head the KBvG office and regulate its activities.
2. The office staff shall be employed under the terms of an employment contract under civil law.
3. The Board may lay down further bylaws regarding its procedure and those of the office.
4. Every year, the Board shall draw up a report of its activities for the general meeting and send this to the Council of Members for its recommendation. It shall forward the report to Our Minister for his information.
5. Every year, the Board shall render account for its financial policy and draft a budget with explanatory notes for the coming financial year and shall send those documents to the Council of Members for its recommendation.

Article 61

1. The Board shall consist of an uneven number of members, with a minimum of seven. The composition of the Board shall reflect the proportion of judicial officers to assigned candidate judicial officers within the general meeting as much as possible. The chair and his deputy shall be judicial officers.
2. The members shall be appointed for a period of three years and, upon resignation, shall be eligible for re-appointment once for the same period.
3. The Board shall represent the KBvG. The chair or deputy chair and one of the other members of the Board shall also be jointly authorised to represent the KBvG.

Article 62

The chair of the Board of the KBvG shall be entrusted with the chair of the general meeting in that capacity.

Paragraph 3. The Council of Members

Article 63

1. The Council of Members shall consist of thirty members, on the understanding that six members shall be elected to that Council from each district. The members elected for each district shall reflect the proportion of judicial officers to assigned candidate judicial officers within that district. Every member shall have a deputy.
2. The ordinary members and their deputies shall be elected to the general meeting for a three-year period and, thereafter, shall be eligible for re-appointment once only for the same period.

Article 64

The Council of Members is entrusted with formulating the KBvG's general policy, and shall confer with the Board to that end, if necessary. The Board shall provide the Council of Members with any information which may be relevant to the KBvG's general policy, upon request or at its own initiative, in particular information on matters which the Board is executing or considering, or which it is preparing or examining. The Council of Members is authorised to request information from the Board or to instruct the Board to investigate matters which could be relevant to the formulation of the KBvG policy at any time.

Article 65

The Council of Members is entrusted with formulating the KBvG bylaws.

Article 66

The Council of Members shall confer with the Board on proposals for the KBvG bylaws, after having sought the recommendation of the general meeting.

Article 67

1. The Council of Members shall appoint the Board of the KBvG and may fix the number of Board members, with due observance of Article 61. The Council of Members shall appoint the chair and his deputy from the members of the Board for a three-year period.
2. Membership of the Board shall be incompatible with membership of the Council of Members.
3. The Council of Members may lay down further rules regarding the appointment and resignation of the members of the Board.

Article 68

The Council of Members shall supervise the Board and may suspend or discharge its members from office, if the Council loses confidence in the way they discharge their duties or for other well-founded reasons.

Article 69

The Council of Members shall issue a recommendation to the annual general meeting on the report of the Board's activities and the account rendered for the financial policy, the KBvG's draft budget for the coming year and the accompanying explanatory notes, after having examined those documents.

Article 70

The members of the Council of Members may be suspended or discharged by the general meeting if that meeting loses confidence in the way they discharge their duties or for other well-founded reasons.

Article 71

The Board of the KBvG shall convene the Council of Members at least once a year to consider the documents referred to in Article 69. Other meetings shall be convened as often as the Board deems necessary and furthermore as often as at least six members of the Council so request the Board in writing, stating the subjects to be considered.

Article 72

The meetings of the Council of Members are public. Meetings shall be conducted *in camera* if the chair deems necessary, in view of the nature of the subject to be considered, or if at least eight members of the Council so request. The members of the Board of the KBvG, the chief executive of the KBvG office and the secretaries may attend the meetings conducted *in camera* unless the Council of Members decides otherwise. The Council of Members shall decide on the admission of other persons. Separate minutes which shall not be made public shall be kept of the meetings *in camera*, unless the Council of Members decides otherwise.

Article 73

1. Bylaws shall be drawn up to provide further rules for the appointment and resignation of the members and furthermore regarding the activities, the procedure for meetings, the decision-making process and the voting procedure at the meeting, as well as the manner in which the members of the KBvG are informed of its decisions.
2. Further rules may be laid down on the organisation of the KBvG in the bylaws.

Paragraph 4. The General Meeting

Article 74

The Board of the KBvG shall convene a general meeting every year. Extraordinary meetings shall be convened as often as the Board deems necessary and furthermore as often as the Council of Members or at least twenty-five members of the KBvG so request the Board in writing, stating the subjects to be considered.

Article 75

General meetings shall be conducted in public. Meetings shall be conducted *in camera* if the chair deems necessary in view of the nature of the subject to be considered or if at least thirty of the members present so request. The members of the Board, the chief executive of the KBvG office and the secretaries shall attend the meetings *in camera* unless the meeting decides otherwise. The meeting shall decide on the admission of other persons. Separate minutes which shall not be made public shall be taken of meetings conducted *in camera*, unless the meeting decides otherwise.

Article 76

The general meeting shall consider and, if necessary, decide on the report on the activities of the KBvG Board, as well as the financial accounts, the accountant's report, as referred to in Article

79(2), the draft budget for the coming year and the accompanying explanatory notes as well as the recommendation rendered on those documents by the Council of Members.

Article 77

The general meeting shall lay down further rules on its procedure, the procedure for meetings, the decision-making process and the voting procedure at meetings, the way in which documents or subjects to be considered are announced to the members as well as the way in which decisions are communicated to the members of the KBvG, at the proposal of the Board of the KBvG.

Paragraph 5. The KBvG's Financial Resources

Article 78

The KBvG shall bear all the costs arising from the performance of the duties with which it is entrusted under this Act. To cover those costs, it may require its members to pay an annual subscription. The general meeting shall fix the contribution for the financial year at the proposal of the Board. This subscription may differ according to the various categories of member.

Article 79

1. The Board shall fix the KBvG's financial year.
2. Every year, the Board shall appoint an accountant as described in section 2:393(1) of the Netherlands Civil Code to be charged with auditing the financial accounts, consisting of a balance sheet, a statement of income and expenditure and the explanatory notes thereto. The accountant shall report to the Board within three months of the end of the financial year.
3. The Board shall submit the financial accounts to the Council of Members within eight months of the end of the financial year, enclosing the accountant's certificate as well as the budget for the coming financial year and the explanatory notes. After having studied those documents, the Council of Members shall report to the general meeting on this subject.
4. The adoption of the financial accounts by the general meeting shall also constitute a discharge for the Board in that respect.

Paragraph 6. The Bylaws and other Resolutions adopted by the KBvG

Article 80

1. Bylaws may be adopted only with regard to subjects which must be provided for in further detail pursuant to this Act or pursuant to bylaws.
2. Bylaws shall not contain any obligations or requirements which are not strictly necessary for realising the objective envisaged by those bylaws and shall not unnecessarily restrict the market mechanism.
3. Draft bylaws shall be submitted to the Council of Members by the Board or by at least five members of the Council of Members. Before submitting draft bylaws to the Council of Members, the Board may invite the Chamber of Judicial Officers to give its opinion.

4. The KBvG bylaws shall be binding only on its members and its bodies.
5. Bylaws can grant the Board of the KBvG the power to lay down more detailed rules concerning the subject dealt with in those bylaws.

Article 81

Members of the KBvG shall be provided with draft bylaws plus explanatory notes at least two months before the date on which these are to be considered by the Council of Members. The general meeting shall inform the Council of Members of its recommendation on the draft at least three weeks before the date on which the proposal is to be considered.

Article 82

1. Bylaws shall require the approval of Our Minister. The approval may be withheld if the proposal is contrary to the law or the public interest.
2. After they have been approved, the Board of the KBvG shall arrange for the announcement of those bylaws by their publication in the Netherlands Government Gazette. The bylaws shall not become binding until after publication. They shall become operational with effect from the first day of the second month following the month of publication or as much earlier as the Board may decide, on the understanding however that there must be at least ten days between the date of publication and the effective date.

Article 83

Resolutions adopted by the Council of Members, the Board or other KBvG bodies, other than bylaws validly adopted pursuant to Article 82, may be annulled by Royal Decree. Without prejudice to section 10:39 of the [Netherlands] Administrative Law Act, a resolution may not be annulled if six months have expired since its publication.

Paragraph 7. Other Provisions

Article 84

The KBvG shall provide Our Minister with the information he requires for discharging his duties if requested to do so. Our Minister may require access to business-related information and documents, insofar as reasonably required for discharging his duties.

Article 85

Our Minister shall report to the States-General on the effectiveness and efficiency of the KBvG's performance within five years of the effective date of this Act and thereafter every four years.

Chapter VII. Transitional and Final Provisions

Article 86

- 1.[Amends the [Netherlands] Composition of Civil Courts Act].
2. Appointments as judicial officer or as deputy judicial officer as well as the approval of a designation as assigned candidate judicial officer which are effected under the article referred to in paragraph 1 above, shall be deemed to be appointments and approvals effected under this Act.

Article 87

1. [Amends the [Netherlands] Civil Cases (Fees) Act].
2. The provisions laid down by or pursuant to that part of Dutch law shall however remain applicable to the compensation of official acts which were performed in the past.

Article 88

[Amends the [Netherlands] Traffic Regulations(Administrative Enforcement) Act].

Article 89

[Amends the Netherlands Code of Civil Procedure].

Article 90

[Amends the Netherlands Criminal Code.]

Article 91

[Amends the [Netherlands] Central and Local Government Personnel Act].

Article 92

In derogation of Article 52(1), for ten years from the effective date of this Act, judicial officers who had been appointed on the effective date of this Act shall be granted a discharge by the operation of law as of the first day of the month following the month in which they attain the age of 70, without prejudice to the scope for discharge on other grounds.

Article 93

1. The association in Dutch law known as the *Koninklijke Vereniging van Gerechtsdeurwaarders* established in Amsterdam shall be dissolved by the operation of law on the effective date of this Act and shall be succeeded by the KBvG by universal succession. The Board of the KBvG shall be authorised to take all measures and decisions arising from this succession in title.
2. After having made enquiries with the *Koninklijke Vereniging van Gerechtsdeurwaarders*, Our Minister shall designate the persons to take a seat on the Board of the KBvG and to act as chair or member of the Council of Members for a maximum of ninety days after the present Act becomes effective. The Council of Members shall implement Article 67(1) and the general meeting shall implement Article 63(2) within that period.

Article 94

Our Minister may adopt the bylaws referred to in Articles 17(5) 57(2) and 73 as ministerial regulations for the first time, insofar as Our Minister believes that they should take effect on the effective date of those Articles. Unless these are repealed by Our Minister, these bylaws shall remain effective until they have been repealed and replaced in a decree.

Article 95

This Act shall enter into force on a date to be fixed by Royal Decree, which may differ for the different articles and subparagraphs.

Article 96

This Act may be referred to as the ‘Judicial Officers Act’.

We order and command that the present Act shall be published in the [Netherlands] Bulletin of Acts, Orders and Decrees and that all ministerial departments, authorities, bodies and officials whom it may concern shall diligently implement it.

Done in the Hague, 26 January 2001

Beatrix

The Minister of Justice,

A.H. Korthals

The State-Secretary of Justice,

N.A. Kalsbeek

Published the fifteenth day of February 2001

The Minister of Justice

A.H. Korthals