National justice systems

Netherlands

This page provides an overview of the court system in the Netherlands.

Organisation of justice – judicial systems

Administration of the courts

The **Council for the Judiciary** (*Raad voor de rechtspraak*) is part of the judicial system, but does not administer justice itself. It has taken over responsibility for a number of tasks from the Minister for Justice. These tasks are operational in nature and include the allocation of budgets, supervision of financial management, personnel policy, ICT and accommodation. The Council supports the courts in carrying out their tasks in these areas. It was also given the task of improving the quality of the judicial system and advising on new legislation that has implications for how justice is administered. It also acts as a spokesperson for the judiciary in social and political debate. The Council's tasks relate to operational matters (in the broadest sense of the term), budgetary matters and the qualitative aspects of the administration of justice.

It has a pivotal role in preparing, implementing and accounting for the judicial system's budget. The budget system is based on a workload-measurement system maintained by the Council. The Council encourages and supervises the development of operational procedures in the day-to-day running of the courts. Its specific tasks relate to personnel policy, accommodation, ICT and external affairs. The Council has a range of formal statutory powers, which enable it to carry out these tasks. For instance, it is empowered to issue binding general instructions with regard to operational policy, although it prefers to exercise this power as little as possible.

The Council is responsible for the recruitment, selection and training of judicial and court officials. It carries out its tasks in these areas in close consultation with the court councils (*raden van de gerechten*). The Council has a significant say in appointing members to court councils.

The Council's task in respect of the quality of the judicial system involves promoting the uniform application of the law and enhancing judicial quality. In view of the overlap in the content of judicial rulings, the Council has no mandatory powers in this area.

The Council also has a general advisory role. It advises the government about new laws that have implications for the judicial system. This process takes place in ongoing consultation with the members of the court councils.

Although the Council has formal powers at its disposal, the relationship between the Council and the courts should not be seen as hierarchical. The Council's primary goal is to support the courts in the performance of their tasks. In order to ensure that the various tasks are completed properly, the Council consults regularly with court presidents, directors of operations, sector heads and the Board of Representatives (*College van afgevaardigden* – an advisory body made up of representatives from the courts).

Types of courts – brief description

District courts (*rechtbanken*)

The Netherlands is divided into 11 judicial districts (*arrondissementen*), each with its own court. Each court has a number of sub-district venues (*kantonlocaties*). The district court is made up of at least four sectors (*sectoren*). These always include the administrative sector, civil sector, criminal sector and sub-district sector. Family and juvenile cases are often put into a separate sector, as is also sometimes the case with cases involving aliens. The court board (*bestuur van het gerecht*) is free to determine such matters.

Sectors

Sub-district

It is relatively simple for ordinary citizens to have their cases heard in the sub-district sector. This means that they have the right to argue their own cases and do not need a lawyer to represent them in court. In terms of civil law, the sub-district judge deals with all cases involving rent, hire purchase and employment, as well as all disputes involving amounts up to EUR 25 000.

In criminal law, the sub-district judge deals with minor offences only. Often these are cases in which the police or the public prosecutor has proposed a settlement. If the accused refuses to accept such a proposal, then the case comes before the sub-district judge. The sub-district judge usually delivers an oral judgment immediately after the session.

Criminal law

Judges in the criminal sector deal with all criminal cases that do not come before a sub-district judge. These cases can be heard in single-judge divisions or in full-bench divisions with three judges. The full-bench division deals with more complex cases and all cases in which the prosecution demands a sentence of more than one year's imprisonment.

Civil law/family law

The civil sector also handles cases not specifically allocated to the sub-district judge. Most of these are decided by a single judge, but here, too, there are full-bench divisions with three judges to deal with more complex cases. A number of district courts have a separate sector for family and juvenile cases. This possibility is used when the number of such cases is considerable.

Administrative law (*bestuursrecht*)

With only a handful of exceptions, administrative disputes are heard by the district court; in many cases the hearing by the administrative law sector is preceded by an objection procedure before the administrative authorities. It is usual for these cases to be heard by a single-judge division, but here, too, the district court can decide to appoint three judges to a case which is complex or which involves fundamental issues. If the district court in question has no separate sector to handle cases involving aliens, such cases are dealt with by the administrative law sector or a division thereof. In cases involving civil servants and social security issues, appeal is a matter for a special appeals tribunal – the Central Appeals Tribunal (*Centrale Raad van Beroep*) – and, in most other cases, for the Administrative Jurisdiction Division of the Council of State (*Afdeling bestuursrechtspraak van de Raad van State*).

Courts of Appeal (*gerechtshoven*)

The 11 judicial districts are divided into four areas of Court of Appeal jurisdiction: The Hague, Amsterdam, Arnhem-Leeuwarden and 's-Hertogenbosch. With regard to criminal and civil law, Court of Appeal judges deal only with cases where an appeal has been lodged against the judgment passed by the district

court. The Court of Appeal re-examines the facts of the case and reaches its own conclusions. In most cases, it is possible to contest the Court of Appeal's decision by appealing in cassation to the Supreme Court of the Netherlands (*Hoge Raad der Nederlanden*). In addition to criminal and civil cases, the Court of Appeal also deals with all appeals against tax assessments.

Special Tribunals

The **Central Appeals Tribunal** (*Centrale Raad van Beroep*) is a board of appeal that is principally active in cases pertaining to social security and the civil service. In these areas, it is the highest judicial authority. The Tribunal is based in Utrecht.

The **Trade and Industry Appeals Tribunal** (*College van Beroep voor het bedrijfsleven*) is a special administrative court, which rules on disputes in the area of social-economic administrative law. In addition, this appeals tribunal also rules on appeals relating to specific laws, such as the Competition Act (*Mededingingswet*) and the Telecommunications Act (*Telecommunicatiewet*). The Tribunal is based in The Hague.

Supreme Court (*Hoge Raad*)

The Supreme Court of the Netherlands, located in The Hague, examines whether the lower court applied the law properly in reaching its decision. At this stage, the facts of the case as established by the lower court are no longer subject to discussion. The appeal in cassation therefore fulfils an important function in promoting unity of law.

Legal databases

Further information can be found on the general website about the Dutch judiciary.

Case law can be found in a common judgment database.

Is access to these databases free of charge?

Yes, access is **free of charge**.

Related links

Dutch judiciary

Last update: 05/10/2023

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