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Dutch

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Types of legal professions

This section provides you with an overview of the legal professions in the Netherlands. Prosecutors Judges Barristers/Advocates Notaries Other legal professions

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Prosecutors

Organisation

The Public Prosecution Service (*Openbaar Ministerie*, or OM) is a national organisation with offices in all regions. 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 or *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 Procurators General (*College van Procureurs-generaal*) in The Hague. Political responsibility for the OM lies with the Minister of Justice. Together with the Board of Procurators General, he or she 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.

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. The OM is therefore not a Ministry in the usual sense of the word at all.

Judges

Organisation

Anyone wishing to become a judge must have at least seven years' professional experience. This experience can be acquired through an internal training course with the judiciary or elsewhere in the justice system. The judiciary system provides the necessary training.

Judges are appointed by the **Crown**, under the aegis of the **Minister for Security and Justice**. 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 prosecutor's office 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.

The judge is a government official with special status. Following the appointment, the judge may not 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 highest court in the Netherlands, the **Supreme Court of the Netherlands** (*Hoge Raad der Nederlanden*), at the instigation of the procurator general (*procureur-generaal*) of this court. This system provides appropriate protection against political influence on appointments and removal from office.

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 in place. Hence the legal status of judges differs from that of other government officials.

The Dutch Constitution requires the judiciary to render decisions 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 own discretion. They also determine, to a large extent, the practical progress of proceedings (for instance, the length of certain parts of the proceedings).

If a party to a proceeding has doubts about the impartiality of the judge, the law provides her or him 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.

There are several statutory provisions governing the behaviour of judges. Their purpose is to guarantee that judges do their work impartially.

Judges must gain expertise in at least two fields. Thus they are usually required to hear one case in a certain field, after which they switch to another. This rule is designed to prevent judges from focusing for too long and too much on one area of expertise.

Judges work in district courts (*rechtbanken*). These cover a minimum of four sectors: the civil-law sector, the criminal-law sector, the administrative-law sector and the sub-district court sector. Judges working in the latter sector are called *kantonrechter*, the others are referred to as *rechter*. The judges working in the **courts of appeal** and the Supreme Court are called *raadsheer*.

The composition of the courts when hearing cases is as follows:

*Kantonrecht*ers hear cases on their own.

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

Judges in the courts of appeal hear cases with a panel of three, except where such a case can be heard by one judge. The law provides rules for this.

The Supreme Court hears every case with five judges.

The governmental body responsible for regulation of the profession is the Dutch Judiciary (*rechtspraak*).

Legal database

For further information, see the website dedicated to the [administration of justice](#) in the Netherlands, which is accessible to the general public.

Organisation of the legal profession: Barristers/Advocates

Barristers/Advocates

The [Netherlands Bar Association](#) (*de Orde*) is the public law professional body for all advocates in the Netherlands. The statutorily-regulated core activity of the Bar is to oversee the quality of services by advocates. This quality is ensured by, among other things:

A comprehensive education programme for the legal profession

Drawing up by-laws and other binding rules for advocates

Disciplinary proceedings

Information and services to the members

Advice to the Dutch government about policy plans and enactments.

By law, an advocate must become a member of the Bar. In 2014, there were 17 000 advocates registered.

Solicitors/ Legal Advisers

There is no centralised body regulating these professions.

Notaries

Organisation

See the website of the [Royal notarial professional body](#) (*Koninklijke Notariële Beroepsorganisatie*).

Role and duties

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

Authorising signatures

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](#) (the *Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders* or KBvG) was incorporated in the Judicial Officers Act, which became effective on 15 July 2001. This 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 transmitting documents in line with Council Regulation (EC) No 1348/2000 of 29 May 2000 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 one of its judicial officers. Requests for this service must be submitted in Dutch or in English.

It is not possible to send such a request to the Dutch central body, the **Royal Professional Organisation of Judicial Officers**. Its aid can be requested only in the exceptional circumstances defined in Article 3(c) of the aforementioned European Regulation.

Pro bono legal services

For primary legal advice, you can ask for help at one of the Legal Services Desks. Here you can request clarification on legal matters, information and advice. This is 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 Legal Services Desks are free of charge. They are provided on the spot or as part of a consultation (maximum 60 minutes).

You can contact these Desks with problems concerning civil, administrative, criminal and immigration law.

A total of 30 Legal Services Desks have been established. They have been evenly set up geographically, so that every Dutch citizen is within easy reach of legal services.

See the website of the [Legal Services Desk](#) for further information.

Links

[Public Prosecutor's Office \(OM\)](#),

[Administration of justice and the Supreme Court of the Netherlands \(Nederlandse rechtspraak en de Hoge Raad der Nederlanden\)](#),

[Netherlands Bar Association \(Nederlandse Orde van Advocaten\)](#), [Royal notarial professional body \(Koninklijke Notariële Beroepsorganisatie\)](#),

[Royal Professional Organisation of Judicial Officers \(Koninklijke Beroepsorganisatie van Gerechtsdeurwaarders\)](#), [Legal Services Desk \(Het Juridisch Loket\)](#),

[Fact sheet Court Staff](#)  (389 Kb) 

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