

NETHERLANDS LEGAL AID ACT

Act of 23 December 1993, Netherlands Government Gazette, setting out the rules governing government-funded legal aid (Legal Aid Act)

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

Greetings to all who see or hear this. Be it known:

Whereas We have considered that, also in implementation of Section 18 (2) of the Netherlands Constitution, it is advisable to approve new rules of law to govern the provision by the government of funded legal aid to the less well-to-do;

Thus, having heard the Council of State, and in consultation with the States General, We have approved and decreed as We hereby approve and decree the following.

Chapter 1. Definitions

Section 1

1. For the purposes of this act and any provisions based on it:
 - a. ‘the Minister’ means the Minister of Justice;
 - b. ‘council’ means a legal aid council referred to in Chapter II;
 - c. ‘office’ means an office answerable to the council;
 - d. ‘foundation’ means a legal aid foundation subsidised by a council;
 - [d. ‘foundation’ means a special legal aid foundation referred to in Section 19];
 - e. ‘legal aid’ means any legal assistance provided to a person seeking justice in respect of any legal interest which affects him directly and as an individual in so far as is provided for in this act and any provisions based on it;
 - f. ‘person seeking justice’ means any person who is entitled to claim legal aid on the grounds of insufficient financial capacity in so far as is provided for in this act and any provisions based on it, and also any person who wishes to claim compensation in his capacity as a disadvantaged person with a view to the application of Section 51a of the Netherlands Code of Criminal Procedure;
 - g. ‘annual plan’ means an annual plan to be drawn up by a council as referred to in Section 7(2);
 - h. ‘legal aid provider’ means an attorney, a member of the foundation’s staff referred to in Section 22(1) or any person referred to in Section 13(1)(c);
 - [h. ‘legal aid provider’ means an attorney, a member of the foundation’s staff referred to in Section 19 and any person referred to in Section 13(1)(c)];
 - i. ‘appointment’ means the appointment of a legal aid provider referred to in Section 24(1);
 - j. ‘income’ means net income as determined in accordance with this act;
 - k. ‘standard benefit’ means the standard benefit applicable to a married person referred to in Section 21(c) of the Netherlands Work and Social Assistance Act less the holiday bonus amount determined in accordance with the provisions of Section 19(3) of that act.
 - [r. ‘legal services counter’ means the legal services counter subsidised by the councils as referred to in Section 17a];
 - [s. ‘legal aid’ means legal assistance provided by a legal aid provider consisting in the provision of simple legal advice without in any way including representation of the person seeking justice, and also – with a view to providing such legal aid – the supply of information, the analysis and clarification of a problem, and referrals to relevant organisations and legal aid providers;]
 - [t. ‘legal aid provider’ means a member of the staff of the legal services counter who is responsible for providing legal aid;]
 - [u. ‘conflict mediation’ means assistance provided to a person seeking justice and the other party with the aim of helping them to resolve a dispute in consultation with each other;]

[v. 'conflict mediator' means a conflict mediator referred to in Section 33a.]

2. For the purposes of this act and any provisions based on it, 'attorneys' also means 'local counsel'.
3. For the purposes of this act and any provisions based on it, 'attorneys' also means those persons referred to in Section 16h of the Netherlands Local Counsel Act.

Chapter II. Legal aid council

Part 1. Membership of the council

Section 2

1. A council shall be established in every main centre within the area of jurisdiction of a court of appeal.
2. Such a council shall be a body corporate.
3. A council shall have a legal aid office answerable to it within its area of jurisdiction.
4. A council shall subsidise one or more legal aid foundations within its area of jurisdiction.
- [4. The councils shall be responsible for subsidising the legal services counter in consultation with each other. With the consent of the Minister, the councils may appoint one council to subsidise the legal services counter or any special legal aid foundation.]
5. Such subsidy, which shall be provided each financial year, shall be governed by the provisions of Part 4.2.8 of the Netherlands General Administrative Law Act.

Section 3

1. A council shall have nine members.
2. The Minister shall be responsible for appointing, suspending or dismissing the chairperson and other members of a council. Following consultation with the relevant council, they shall be appointed from people who possess legal, financial, administrative or social expertise or experience.
3. No more than four members of a council may be a legal aid provider as defined in this act.
4. A council shall appoint a secretary and treasurer from amongst its members.

Section 4

1. The chairperson and other members of a council shall be appointed for a term of four years.
2. Any retiring member may be reappointed once with immediate effect. Any member who has been appointed to fill an interim vacancy, may be reappointed twice.

Section 5

1. A member may be discharged from his duties in the interim:
 - a. at his own request;
 - b. if the council is of the opinion that he must be deemed incapable of remaining a member due to his mental or physical condition;
 - c. for pressing reasons.
2. Pressing reasons shall be required for suspension.

Section 6

1. The chairperson and secretary or the director, referred to in Section 11(1), together with the chairperson and secretary, shall represent the relevant council at law and otherwise.
2. The members of a council shall be remunerated for their work on behalf of the council as determined by the Minister, and shall receive an allowance for travel and accommodation expenses in accordance with the provisions which apply to civilian civil servants.

Section 6a

A council shall draw up administrative regulations. The Minister's approval shall be required for such regulations.

Part 2. Council duties and procedures

Section 7

1. A council shall be responsible for arranging the provision of legal aid within its area of jurisdiction and for supervising the implementation thereof. A council shall ensure that the supply of legal aid within its area of jurisdiction is spread as evenly as possible, and that the resources placed at its disposal are used as effectively as possible.
2. A council shall also have the following duties:
 - a. to make decisions pertaining to applications for legal aid and the authorisation of appointments;
 - b. to determine and disburse remuneration to legal aid providers;
 - c. to monitor the work performed by legal aid providers in so far as no other person is charged with this duty elsewhere in this act.
3. A council shall draw up an annual plan for each calendar year. This annual plan shall consist of a schedule of activities and a budget and it shall provide an insight into the regulations constituting the basis for the operating plan of the foundations referred to in Section 23. An annual plan shall come into effect as soon as the Minister approves same.
4. Rules may be drawn up in the form of ministerial regulations concerning the structure of such annual plan, control and administration, and any measures which are to be taken in the event that timely approval of an annual plan is impossible.
 1. [A council shall have a duty to:
 - a. assume responsibility for arranging the provision of legal aid;
 - b. assume responsibility for arranging conflict mediation and promoting the use of conflict mediation with a view to performing the duties referred to in Subsection (1), a council shall also have a duty to:
 - c. make decisions in relation to any application for an appointment to be granted;
 - d. determine and disburse fees to legal aid providers and conflict mediators;
 - e. regulate the work performed by legal aid providers, legal assistance counsellors and conflict mediators in so far as any other person is not instructed to do so, elsewhere in this act;
 - f. enter into agreements with registered attorneys or any person referred to in Section 13(1)(c), as well as conflict mediators;
 2. A council may be charged with other responsibilities by means of or pursuant to an order in council.
 3. A council may draw up rules with a view to arranging the provision of legal aid and conflict mediation. The Minister's consent shall be required for such rules.
 4. A council shall be responsible for ensuring that the supply of legal aid and conflict mediation is spread as evenly as possible within its area of jurisdiction. It shall be responsible for regulating the performance of these duties. A council shall also be responsible for ensuring that the resources placed at its disposal are used as effectively as possible.
 5. A council shall draw up an annual plan for every calendar year, which provides an insight into the manner in which its duties will be performed. This annual plan shall consist of a schedule of activities and a budget. The councils shall provide an insight into the rules which constitute the basis of the operational plan of the legal services counter or any foundation for special legal aid. Such an annual plan shall come into effect once the Minister agrees to it.
 6. Rules may be drawn up in the form of ministerial regulations concerning the structure of the annual plan, control and administration, and any measures which are to be taken in the event that timely approval of an annual plan is impossible.
 7. With the Minister's consent, the councils may appoint one council to assume responsibility for the duties referred to in Subsection (1) or (3). The third sentence of Subsection (5) shall apply *mutatis mutandis*.]

Section 8

A council may appoint committees to perform or prepare specific work, which may also consist of people other than its own members.

Section 9

1. A council shall present annual reports to the Minister. Such a report shall consist of a financial and an activities report. The activities report shall devote attention to developments pertaining to the provision of legal aid in the relevant council's area of jurisdiction.
1. [A council shall present annual reports to the Minister. Such a report shall consist of a financial and an activities report. The activities report shall devote attention to developments pertaining to the provision of legal aid and to the performance of any other duties which a council performs. The councils may appoint one council to devote attention to the development of legal assistance.]
2. Rules concerning the structure of such reports may be drawn up in the form of ministerial regulations.
3. A council shall provide the Minister with any information he may require, in a form that cannot be traced to any individual person seeking justice.
4. Should the Minister be of the opinion that a council is guilty of grave dereliction of the duties referred to in Section 7(1) and (2), he shall take action as required. The Minister shall immediately notify the States General to this effect.

Part 3. The legal aid office

Section 10 [Repealed on 1 May 2004.]

Section 11

1. The director, deputy director and other staff in the office answerable to a council shall be employed pursuant to an employment contract governed by civil law. The provisions of Title 10 of Book 7 of the Netherlands Civil Code and Section 6 of the Netherlands Extraordinary Decree on Labour Relations 1945 shall apply to any such contract.
2. The Minister may issue rules governing the structure, procedures and staffing complement of such an office.

Chapter III. The provision of legal aid

Part 1. General

Section 12

1. Legal aid shall only be granted to any natural person or legal entity whose financial capacity, in respect of legal interests governed by the law of the Netherlands, does not exceed the amounts referred to in Section 34.
2. Legal aid shall not be granted where:
 - a. an application for same is apparently devoid of any grounds;
 - b. the cost of the legal aid to be provided is not reasonably proportionate to the interest at stake in the matter concerned;
 - c. an application for same concerns a criminal case and it is reasonable to assume that on the basis of the offence concerned, a small fine will be imposed in relation to the income of the person in question;
 - d. an application for same is submitted by a legal entity which has been established for the purposes of conducting legal proceedings;
 - e. the legal interest to which an application pertains, involves the practice of a trade or profession by a person acting as a sole trader, or the conduct of a business, unless:

1. such trade, profession or business can only continue to be practiced or conducted depending on the outcome in respect of which legal aid has been requested; or
 2. this trade, profession or business was terminated at least one year before the applicant is or has been involved in the capacity of a defendant in the relevant legal proceedings in the first instance, and it is impossible for him to pay for the cost of legal aid in any other manner;
 - f. the legal interest involved is one which is brought before an international tribunal entrusted with judicial powers pursuant to a treaty or a similar international tribunal, and such a tribunal itself accommodates claims for a legal aid grant;
 - g. where an interest is involved which can reasonably be left to the applicant himself to safeguard, if necessary with the assistance of any other person or organisation whose work does not fall within the scope of application of this act.
3. Additional rules may be issued by means of an order in council concerning the criteria to be considered in accordance with Subsection (2).

Section 13

1. Legal aid shall be provided by:
 1. [Subject to the provisions of Subsection (3), legal aid shall be provided by:]
 - a. attorneys registered with the relevant council;
 - b. foundation staff;
 - c. civil-law notaries, subject to the provisions of Section 56 of the Netherlands Civil Law Notaries Act, court bailiffs and anyone else with whom the relevant council entered into an agreement for the provision of legal aid within specific fields of law.
 2. Additional rules may be stipulated in the annual plan to regulate the conclusion of the agreements referred to in Subsection (1)(c).
 2. [Legal aid shall only be provided by staff of the legal services counter or any other person with whom a council has entered into an agreement for the provision of legal aid with the Minister's consent.]
 3. [Additional rules may be stipulated in the annual plan to regulate the conclusion of the agreements referred to in Subsections (1)(c) and (2).]

Part 2. The registration of attorneys by the council

Section 14

A council shall register any attorneys who practise within its area of jurisdiction and who have submitted an application for this purpose, if they comply with the conditions stipulated in Section 13. [A council shall register any attorneys who practise within its area of jurisdiction and who have submitted an application for this purpose, if they comply with the conditions stipulated in Section 13. A council may draw up rules governing the conditions of registration.]

Section 15

1. The conditions which a council stipulates, may pertain to the following:
 1. [The conditions which a council stipulates in relation to such conditions, may pertain to the following:]
 - a. the minimum and maximum number of cases in respect of which an attorney will be appointed each year;
 - b. an attorney's expertise in certain fields of law;
 - c. the structure of the office in which an attorney practices;
 - d. the reports submitted by an attorney concerning the legal aid which he has provided.
 2. Additional rules may be stipulated in the annual plan with regard to any conditions imposed by a council pursuant to Subsection (1).
 2. [The rules referred to in Subsection (1) shall constitute part of an annual plan.]

Section 16

In special circumstances a council may decide that legal aid may be provided by a attorney who is not registered.

The following may be deemed to constitute special circumstances:

- a. a desire explicitly expressed by a person seeking justice to be assisted by a specific attorney, citing grounds for this;
- b. a need for legal aid to be provided by a attorney who possesses specific expertise within a certain field of law.

Section 17

1. Where a person ceases to be a attorney, the relevant council shall cancel his registration:
2. Furthermore, a council shall be entitled to cancel a registration in the event that:
 - a. the relevant attorney has failed to comply or no longer complies with the requirements stipulated for his registration;
 - b. it is of the opinion that there is sufficient evidence to show that the legal aid provided by the relevant attorney no longer satisfies reasonable requirements in relation to its effectiveness or level of care involved;
 - c. a sanction is imposed on the relevant attorney as referred to in Section 48(2)(a) to (c) or Section 60b(2)(a) to (c) of the Netherlands Counsel Act;
 - d. it has been shown to its satisfaction that the relevant attorney has repeatedly supplied incorrect information for the purposes of determining his fee;
 - e. the attorney concerned does not satisfy the requirements stipulated in respect of the manner in which an application for an appointment is to be submitted;
 - f. the relevant attorney fails to comply with the requirements stipulated with regard to the structure and manner in which an application is to be submitted for the purposes of determining his fee.

[Part 2a. The legal services counter

Section 17a

There shall be a legal services counter for whose articles of incorporation the consent of the councils and the Minister shall be required.

Section 17b

1. The legal services counter shall have a duty to:
 - a. provide legal assistance;
 - b. promote the use of conflict mediation, provide referrals to conflict mediators and to approach the party in dispute with a person seeking justice with a view to conflict mediation.
2. The legal services counter shall obtain information about the capacity of a person seeking justice, unless the provision of legal assistance only consists in the provision of informational material or an immediate referral to some body other than a legal aid provider. Additional rules may be issued in this respect by means of or pursuant to an order in council.

Section 17c

The Minister may allocate remuneration to any person who is a member of one or more bodies of the foundation, if such person is not remunerated in some other way. Additional rules may be issued in respect of such remuneration by means of ministerial regulations.]

Part 3. The legal aid foundations

[Part 3. The foundations for special legal aid]

Section 18

1. Within each area of jurisdiction referred to in Section 2 there shall be one or more legal aid foundations whose articles of incorporation shall require the approval of the relevant council.
2. The executive committee of a foundation shall consist of no less than three and no more than five people. A minority of the members of this executive committee may be legal aid providers as defined in this act.
3. A foundation shall have an office at its disposal.

[Section 18

By means of an order in council fields of law may be designated within which a foundation for special legal aid may provide legal aid. The consent of the councils and the Minister shall be required for the articles of incorporation of such a foundation.]

Section 19

1. A foundation shall have the following duties:
 - a. to arrange consultation times;
 - b. to arrange further legal aid following consultation in accordance with any limitations and conditions stipulated in an order in council;
 - c. to provide further legal aid based on an appointment.
2. A foundation shall investigate the capacity of a person seeking justice in the event that legal aid is to be provided pursuant to Subsection (1)(b) but not if such person wishes to seek compensation as an injured party with a view to the application of Section 51a of the Netherlands Code of Criminal Procedure. Additional rules shall be issued in this respect by means of or pursuant to an order in council referred to in Section 25(4).

[Section 19

By means of an order in council rules may be issued concerning:

- a. the preparation of annual and operational plans;
- b. complaints procedures;
- c. the requirements which a foundation's staff have to satisfy;
- d. the manner in which a special legal aid foundation provides legal aid;
- e. the conditions subject to which legal aid is provided;
- f. the level of the personal contribution required from a person seeking justice in connection with the provision of legal aid;
- g. the manner in which such personal contribution must be paid.]

Section 20

1. The executive committee shall appoint a director and deputy director for the relevant foundation. Such an appointment shall require the approval of the council concerned.
2. Any remaining staff shall be employed and dismissed by the executive committee upon the director's recommendation.
3. After consulting a foundation the council concerned may enter into an agreement with any registered attorney or person referred to in Section 13(1)(a) for the purposes of securing the performance of those duties referred to in Section 19(1)(a) and (b).

Section 21

Acting on the recommendation of the various councils, the Minister shall determine the authorised complement of permanent staff responsible for the provision of legal aid in each foundation. Taken together, the number involved may not amount to more than ten percent of the number of attorneys registered by the councils in the case of all districts. An annual plan shall stipulate the number of permanent staff who are responsible for providing legal aid in the case of each foundation.

Section 22

1. Those foundation staff who are responsible for providing legal aid, must satisfy the requirements stipulated in Section 2(1) or 2a of the Netherlands Counsel Act.
2. A council shall draw up a complaints procedure which may be relied on by any person who has a complaint about the conduct of any foundation staff or a person referred to in Section 13(1)(c). In the event that such a complaint is declared to be well-founded, the legal aid provider in question may be precluded from the further provision of a form of legal aid to be determined by the council concerned for a specific period of time or otherwise.
3. A complaints procedure shall require the Minister's approval. Such approval may be withheld on the grounds that it contravenes the law or is contrary to the general interest.

Section 23

1. A foundation shall draw up an operating plan for each calendar year. An operating plan shall consist of an activities schedule and a budget. An operating plan shall come into effect as soon as the relevant council approves it.
2. An activities schedule shall specify the policy which the relevant foundation will be pursuing in relation to the accessibility to any person seeking justice of the office at the foundation's disposal, and those attorneys who have entered into an agreement referred to in Section 40(4).

[\[Sections 20 to 23 are to be repealed.\]](#)

Chapter IIIa. The provision of legal aid for the purposes of cross-border disputes within the European Union

Section 23a

For the purposes of this chapter:

- a. 'directive' means Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes;
- b. 'member state' means a member state of the European Union with the exception of Denmark.

Part 1. Persons seeking justice who are domiciled in a member state other than the Netherlands

Section 23b

1. The provisions of this part shall only apply to the provision of legal aid to a natural person for the purposes of a cross-border dispute covered by the field of civil or commercial law, whose lawful place of residence or ordinary abode is situated in another member state.
2. A cross-border dispute means a dispute in respect of which the lawful place of residence or ordinary abode of a person seeking justice is situated in another member state on the date on which he submits an application for the provision of legal aid with a view to having the matter dealt with in the Netherlands or the ruling on same executed in this country.
3. Dutch law shall be applied for the purposes of determining whether a person seeking justice is domiciled in the Netherlands. Where a person seeking justice is not domiciled in the Netherlands, in order to determine whether he is domiciled in another member state, the law of that member state shall be applied for that purpose.

Section 23c

1. Legal aid may be provided contrary to the provisions of Section 12(2)(g) if so required due to the factual or legal complexity of the matter concerned or the equality of the parties involved.
2. The first subsection shall apply, if a council makes an appointment by order of a court of law.
3. No legal aid need be provided, if the person seeking justice in the relevant dispute, actually has access to other means to cover the cost of legal aid along with the costs referred to in Section 23e.
4. Section 33(1)(c) shall not apply.

Section 23d

Irrespective of the applicability of Sections 34 and 35, legal aid shall be provided or the costs referred to in Section 23e shall be paid, if a person seeking justice can show that he is unable to pay the cost of such legal aid as a result of any difference between the cost of living in the member state in which his place of residence or ordinary abode is situated, and that in the Netherlands.

Section 23e

1. Without prejudice to any costs paid pursuant to this act, the costs referred to below shall be paid by a council to a person seeking justice in so far as they are directly related to the cross-border nature of the relevant dispute and in so far as such costs have been incurred for the person concerned at his expense and are paid by him, provided that they are not the costs of the legal proceedings in question:
 - a. the cost of an interpreter in so far as the latter is registered in the quality assurance register in 's-Hertogenbosch;
 - b. the cost of a translation prepared by a certified translator of those documents required for the settlement of the case, which are required by a court of law or a council and which the relevant person seeking justice presents;
 - c. any travel expenses in so far as the presence of the applicant is required in a hearing prescribed by the law or a court when his case is dealt with, and the court rules that the person concerned cannot be heard to its satisfaction in any other way;
 - d. fifty per cent of the fees of any person who appears in the legal proceedings by order of the court.
2. In so far as is possible a council shall assume responsibility for the translation of any documents referred to in Subsection (1)(b).
3. The amount of any travel expenses referred to in Subsection (1)(c) which are to be paid, shall be calculated in accordance with the provisions of Section 25 of the Netherlands Legal Aid Allowance Decree, 2000.
4. The amount of the fees of any person referred to in Subsection (1)(a), (b) and (d) which are to be paid, shall be calculated in accordance with the provisions of the Netherlands Act on Fees in Civil Cases.

Section 23f

Subject to the applicability of the provisions of this act, legal aid shall also be provided in a cross-border dispute:

- a. for the purposes of executing a judgment handed down by a court of law in a matter that has been dealt with in the Netherlands;
- b. in the event a person seeking justice has a duty to avail himself of extrajudicial proceedings pursuant to the law or a judicial ruling;
- c. for the purposes of executing authentic deeds in the Netherlands.

Section 23g

1. A person seeking justice shall submit an application for the provision of legal aid to the council for legal aid in The Hague.

2. The language or languages in which such an application may be made, shall be determined by ministerial regulations.

Section 23h

Sections 23c to 23g shall apply in the event that a request to have a judgment handed down by a court of law in another member state recognised, not recognised or executed, is made by a person seeking justice whose lawful residence or ordinary abode is situated in a member state other than the Netherlands as referred to in Section 23b(3) and in respect of whom the relevant substantive proceedings have been dealt with in a member state other than the Netherlands, for the purposes of which he has received legal aid under the terms of the directive referred to in Section 23i(1).

Part 2. Persons seeking justice who are domiciled in the Netherlands

Section 23i

1. In those circumstances in which the directive applies, legal aid shall be granted to any person whose lawful place of residence or ordinary abode as referred to in Section 23b(3) is situated in the Netherlands on the date on which he submits an application for the provision of legal aid with a view to having a matter heard in a member state other than the Netherlands, until such time as his application for legal aid is received by the competent authorities of the member state in which the matter is to be dealt with further in accordance with the provisions of the aforementioned directive.
2. Section 23b(3) shall apply.
3. In the circumstances referred to in Subsection (1), legal aid shall only be refused if there are evidently no grounds whatsoever for the application seeking same.
4. The provision of legal aid referred to in Subsection (1) shall only include the provision of legal aid during consultation times as referred to in Section 19 or the authorisation of an appointment for advisory purposes.
5. An application for legal aid under the terms of Subsection (1) shall be submitted to the council for legal aid in The Hague.
6. Within 15 days after an application and any accompanying documents have been translated, the council referred to in Subsection (5) shall send the application to the competent authorities in the member state in which the matter is to be dealt with, unless legal aid has not been granted pursuant to Subsection (3). The council shall assume responsibility for the translation of the application and the requisite accompanying documents as soon as possible after the application has been received. The cost of translation shall be borne by the council.
7. A person seeking justice shall not be liable for any costs involved in the council's actions under the terms of Subsection (6). In the event that the competent authorities in the member state in which the matter is to be dealt with, deny an application for legal aid, the relevant person seeking justice shall be liable to pay the council the costs involved in any translation.

Section 23j

Sections 23c to 23g shall apply *mutatis mutandis* in the event that a request to have a judgment handed down by a court of law in another member state recognised, not recognised or executed, is made by a person seeking justice whose lawful residence or ordinary abode is situated in the Netherlands as referred to in Section 23b(3) and in respect of whom the relevant substantive proceedings have been dealt with in a member state other than the Netherlands, for the purposes of which he has received legal aid under the terms of the directive.

Part 3. Harmonisation with other legislation

Section 23k

In any circumstances in which the directive applies, the provisions of Parts 1 and 2 of Chapter IIIa shall apply contrary to any other agreements applicable between the Netherlands and the member states and contrary to the Convention on International Access to Justice of 25 October 1980 (Bulletin of Treaties, 1989, 114).

Chapter IV. The appointment

Section 24

1. A council shall rule on any application for an appointment for the provision of legal aid by:
 - a. an attorney;
 - b. a foundation staff member in respect of any matter referred to in Section 19(1)(c);
[b. foundation staff member in respect of any matter referred to in Section 18;
 - c. a person referred to in Section 13(1)(c).
2. A legal aid provider shall submit an application for an appointment to the council in the area of jurisdiction in which he has his office, and shall do so also on behalf of a person seeking justice. This application shall be signed by the legal aid provider, also on behalf of the person seeking justice.
3. An application for an appointment shall contain a satisfactory description of the facts and circumstances of the relevant legal problem for which legal aid is sought, the grounds advanced or an indication of the work pursuant to such appointment, which is or are deemed to be necessary for the purposes of that legal problem.
4. A legal aid provider may only refuse an appointment with the relevant council's consent. Until such time as an appointment is changed or withdrawn, he shall have a duty to provide the required legal aid.
5. An appointment shall include a description of the legal interest in respect of which it has been granted. The relevant decision shall also stipulate the amount owed by way of a personal contribution under the terms of Section 35.

[Section 24a

1. **Should it appear that an appointment in respect of any matter in relation to which legal aid consists in the provision of simple legal advice, is not adequate for the purposes of providing legal advice with regard to that matter, the relevant legal aid provider shall apply for an amendment of his appointment as soon as possible.**
2. **By means of an order in council types of cases may be designated, which are to be regarded as matters in respect of which legal aid consists in the provision of simple legal advice.]**

Section 25

1. A declaration issued free of charge by the mayor of the place of residence of the person seeking justice shall be submitted along with the relevant application for an appointment. Should it be impossible to issue such a declaration on the grounds that the applicant has not been registered and included as a resident in the basic administrative records in accordance with the provisions of the Netherlands Act on the Municipal Database of Personal Records, he shall be required to submit documentation which corresponds as closely as possible to such declaration.
2. A council shall be entitled to request information from the following agencies concerning the applicant's financial capacity, and that of the members of his family and any person with whom he cohabits:
 - a. the Netherlands National Tax Office;
 - b. the Netherlands Social Insurance Bank;
 - c. the Netherlands Employee Insurance Administrative Authority;
 - d. the municipal social services;
 - e. the municipal population departments.
3. The information referred to in Subsection (2) shall be provided to the relevant council as soon as possible.

4. Additional rules may be issued by means of or pursuant to an order in council concerning the declaration referred to in Subsection (1) and the supporting documents to be submitted in this respect, as well as a council's request for information from the tax administration office in the manner of a random check. These rules may entail that a declaration other than the one referred to in Subsection (1) may suffice in certain circumstances.

Section 26

In the event that the information that is submitted or requested in accordance with the provisions of [Section 25](#), are inadequate for the purposes of determining the applicant's financial capacity, the council concerned may determine this capacity itself based on the details which it has at its disposal.

Section 27

Before ruling on an application, a council shall be entitled to hear the person seeking justice, if it deems this necessary for the purposes of assessing the application or that person's financial capacity. Furthermore, the council may afford the other party the opportunity to set out his position, unless this would be prejudicial to the interests of the person seeking justice.

Section 28

1. A council shall be entitled to refuse an appointment in the event that an application:
 - a. is submitted after legal aid has actually been granted already;
 - b. concerns a legal interest in respect of which the applicant can claim legal aid pursuant to a previously authorised appointment;
 - c. relates to a legal problem which can easily be resolved in the opinion of the relevant council;
 - [\[d. involves a legal problem which the legal services counter is able to deal with.\]](#)
2. Additional rules may be stipulated with regard to the provisions of Subsection (1) by means of an order in council referred to in [Section 12\(3\)](#).
3. [\[Subsection \(1\)\(a\) and \(c\) shall not apply in the case of an appointment for the purposes of a matter in respect of which legal aid consists in the provision of simple legal advice. Nevertheless, a council may refuse an application for such an appointment, if the application is not submitted within four weeks after the provision of the relevant advice.\]](#)

Section 29

1. A copy of a decision granting an appointment shall be presented to the court of law which is scheduled to hear of the relevant matter, as soon as possible but at any rate before the final judgment is handed down.
2. In the event that a legal aid provider fails to present his appointment to the relevant court of law in accordance with Subsection (1) and the provisions of [Section 57b\(1\) of the Netherlands Civil Code](#) or [Section 8:75\(2\) of the Netherlands General Administrative Law Act](#) are not applied as a result, any sum which the other party to the legal proceedings concerned is required to pay to the person seeking justice after being ordered to pay the costs of those proceedings, shall be deducted from the amount of the allowance that has been stipulated.
3. In the event that an objection or an administrative appeal is filed pursuant to the [Netherlands General Administrative Law Act](#) and an interested party presents a request for the payment of his costs, a copy of the relevant decision granting an appointment shall be presented to the administrative or appeals tribunal in question as soon as possible but at any rate before the former rules on the objection or the latter decides the appeal.

Section 30

1. A council shall grant a provisional appointment in pressing circumstances and shall make a final ruling on such appointment as soon as possible thereafter. This decision shall replace that pursuant to which the provisional appointment was granted, with retrospective effect.

2. When granting a provisional appointment, a council shall notify the applicant of a deadline in accordance with the provisions of Section 4:5(1) of the Netherlands General Administrative Law Act, by which he is required to present any information that is relevant to his application for a definite appointment.

Section 31

1. A council shall grant a conditional appointment in the event that an application for the provision of legal aid concerns a substantial financial interest or it is reasonable to assume that it will be possible to recover the costs of such legal aid from some other party.
2. If it is clear at such time as the matter, in respect of which a conditional appointment has been granted, is finalised, that the financial capacity of the applicant has improved to such an extent that it succeeds the amounts referred to in Section 34, or the person seeking justice has managed to recover the cost of legal aid from some other party, the council concerned shall refrain from making a definite appointment. An improved financial capacity shall also be deemed to refer to an increase in the liquid assets of a person seeking justice.

Section 32

An appointment shall only apply in respect of the legal interest for which it is granted and, in the case of legal proceedings, for its consideration by a single tribunal, which shall be deemed to include the execution of any judicial ruling.

Section 33

1. Apart from doing so at the request of an applicant, a council may alter, terminate or cancel an appointment, if:
 - a. it has been granted on the basis of inaccurate or incomplete information about the nature of or interest involved in the matter, or the applicant's financial capacity or place of residence;
 - b. an applicant refuses to provide the cooperation required to ensure that his case is properly advanced;
 - c. an applicant fails to pay the contribution for which he is liable or any other costs for which he is responsible, or to pay an advance in this respect if asked to do so;
 - d. an applicant's financial capacity appears to have improved considerably before his legal aid ceases;
 - e. it appears that some other appointment also covers the legal interest in respect of which this appointment has been granted.
2. An appointed legal aid provider may withdraw from a case after his appointment has been terminated or cancelled.
3. In the event that an appointment is terminated or cancelled on the basis of a situation referred to in Subsection (1)(a), the council concerned shall be entitled to recover a sum from the person seeking justice equal to the allowance referred to in Section 37, unless this allowance is cancelled or altered pursuant to Section 4:48(1)(c) or (d) of the Netherlands General Administrative Law or a smaller allowance is stipulated under the terms of Section 4:46(2)(c) or (d) of that legislation, or the determination of an allowance is cancelled or altered to the detriment of the relevant legal aid provider in accordance with Section 4:49(1)(b) of this act.

Chapter IVA. Conflict mediation

Section 33a

1. Conflict mediation shall be provided by conflict mediators registered with a council.
2. Part 2 of Chapter III shall apply *mutatis mutandis*.

Section 33b

Sections 24(2), (3), (6) and (7), 25 up to and including 27, 28(1) and (2), and 30 up to and including 32 shall apply *mutatis mutandis* to the authorisation of an appointment with a view to conflict mediation. An application for an appointment shall be accompanied by a copy of an agreement in which the relevant person seeking justice and the other party to the dispute have agreed on conflict mediation.

1. Section 33 shall apply *mutatis mutandis* to an appointment for conflict mediation with the exception of Subsection (1)(e).
2. [missing]
3. Parts 1 and 2 of Chapter V shall apply *mutatis mutandis* to the determination of the capacity of the person seeking justice to whom an appointment has been granted with a view to conflict mediation, and to the determination of the costs involved in such conflict mediation.

Chapter V. Financial provisions

Part 1. The standards applicable to the financial capacity of a person seeking justice

Section 34

1. Legal aid may be provided in accordance with the provisions of this act to any person whose monthly income amounts to NLG 2,810.00 (EUR 1,438.00.00 as of 1 January 2005 – Editor’s note) or less, provided that such a person is single, or no more than NLG 4,020.00 (EUR 2,055.00 as of 1 January 2005 – Editor’s note), if he cohabits with one or more other people.
2. Contrary to the provisions of Subsection (1), no legal aid shall be provided to a person seeking justice who possesses assets of his own amounting to no less than EUR 7,300.00, provided that he is single, or no less than EUR 10,500.00 in any other case.
3. Except in circumstances involving a conflict of interests, for the purposes of determining the income and assets of a person seeking justice regard shall also be had to the income and assets of:
 - a. the spouse or registered partner of the person seeking justice, unless they live apart from each other on a permanent basis;
 - b. a person of the same or a different sex from the person seeking justice with whom the latter cohabits on a permanent basis, unless they are related to each other by blood in the first or second degree.
4. Additional rules may be stipulated by means of an order in council for the purposes of determining the income and assets to be considered in order to determine financial capacity.
5. Every five years, on 1 January, the assets referred to in Subsection (2) shall be adjusted by the percentage referred to in Section 35(5)(c), subject to the proviso that the amounts that are to be adjusted, shall be rounded off to the nearest multiple of EUR 100.00.
6. Types of cases may be designated by means of an order in council, in respect of which legal aid may be provided irrespective of the financial capacity of a person seeking justice.

Section 35

1. A person seeking justice shall be liable for a contribution of EUR 13.50, if he is granted legal aid pursuant to [Section 19\(1\)\(b\)](#).
2. A person seeking justice shall be liable for a personal contribution, the level of which will depend on his income, if he is granted legal aid on the basis of an appointment.
3. The personal contribution referred to in Subsection (2) shall amount to:
 - a. EUR 89.00 [EUR 90.00 as of 1 January 2005 – Editor’s note] in the case of any person whose monthly income does not exceed the standard benefit;
 - b. EUR 140.00 [EUR 141.00 as of 1 January 2005 – Editor’s note] in the case of any person whose monthly income exceeds the standard benefit but is no more than NLG 2,365.00 [EUR 1,210.00 as of 1 January 2005 – Editor’s note];
 - c. EUR 206.00 [EUR 208.00 as of 1 January 2005 – Editor’s note] in the case of any person whose monthly income exceeds NLG 2,365.00 [EUR 1,210.00 as of 1 January 2005 – Editor’s note];
 - d. EUR 272.00 [EUR 275.00 as of 1 January 2005 – Editor’s note] in the case of any person whose monthly income exceeds NLG 2,505.00 [EUR 1,280.00 as of 1 January 2005 –

- Editor's note] but is no more than NLG 2,610.00 [EUR 1,334.00 as of 1 January 2005 – Editor's note];
- e. EUR 336.00 [EUR 340.00 as of 1 January 2005 – Editor's note] in the case of any person whose monthly income exceeds NLG 2,610.00 [EUR 1,334.00 as of 1 January 2005 – Editor's note] but is no more than NLG 2,740.00 [EUR 1,402.00 as of 1 January 2005 – Editor's note];
 - f. EUR 392.00 [EUR 396.00 as of 1 January 2005 – Editor's note] in the case of any person whose monthly income exceeds NLG 2,740.00 [EUR 1,402.00 as of 1 January 2005 – Editor's note] but is no more than NLG 2,865.00 [EUR 1,465.00 as of 1 January 2005 – Editor's note];
 - g. EUR 453.00 [EUR 458.00 as of 1 January 2005 – Editor's note] in the case of any person whose monthly income exceeds NLG 2,865.00 [EUR 1,465.00 as of 1 January 2005 – Editor's note] but is no more than NLG 2,980.00 [EUR 1,523.00 as of 1 January 2005 – Editor's note];
 - h. EUR 511.00 [EUR 516.00 as of 1 January 2005 – Editor's note] in the case of any person whose monthly income exceeds NLG 2,980.00 [EUR 1,523.00 as of 1 January 2005 – Editor's note] but is no more than NLG 3,105.00 [EUR 1,588.00 as of 1 January 2005 – Editor's note];
 - i. EUR 576.00 [EUR 582.00 as of 1 January 2005 – Editor's note] in the case of any person whose monthly income exceeds NLG 3,105.00 [EUR 1,588.00 as of 1 January 2005 – Editor's note] but is no more than NLG 3,240.00 [EUR 1,657.00 as of 1 January 2005 – Editor's note];
 - j. EUR 626.00 [EUR 633.00 as of 1 January 2005 – Editor's note] in the case of any person whose monthly income exceeds NLG 3,240.00 [EUR 1,657.00 as of 1 January 2005 – Editor's note] but is no more than NLG 3,365.00 [EUR 1,719.00 as of 1 January 2005 – Editor's note];
 - k. EUR 696.00 [EUR 703.00 as of 1 January 2005 – Editor's note] in the case of any person whose monthly income exceeds NLG 3,365.00 [EUR 1,719 as of 1 January 2005 – Editor's note] but is no more than NLG 3,485.00 [EUR 1,780.00 as of 1 January 2005 – Editor's note];
 - l. EUR 761.00 [EUR 769.00 as of 1 January 2005 – Editor's note] in the case of any person whose monthly income exceeds NLG 3,485.00 [EUR 1,780.00 as of 1 January 2005 – Editor's note] but is no more than NLG 4,020.00 [EUR 2,055.00 as of 1 January 2005 – Editor's note].
4. If the applicant is single, the income limits referred to in Subsection (3) shall be reduced by thirty percent.
 5. With the exception of the standard benefit referred to in Subsections (a) and (b) and the personal contribution referred to in Subsection (3) of this section, the Minister shall adjust the income limits referred to in Section 34 and Subsection (3) of this section as follows:
 - a. every year on 1 January the income limits shall be adjusted by a percentage identical to that by which the wage index figure on 31 October of the previous year differs from the corresponding figure for the preceding year, subject to the proviso that any amount that is to be changed, shall be rounded off to the nearest multiple of EUR 1.00;
 - b. every year on 1 January the personal contribution referred to in Subsection (3) of this section shall be adjusted by a percentage identical to that by which the standard benefit on 31 October of the previous year differs from the corresponding figure for the preceding year, subject to the proviso that any amount that is to be adjusted, shall be rounded off to the nearest multiple of EUR 1.00;
 - c. every year on 1 January any other personal contribution referred to in Subsection (3) of this section shall be adjusted by a percentage equal to that by which the wage index figure on 31 October of the foregoing year differs from the corresponding figure on 31 October in the year preceding that, subject to the proviso that any amount to be adjusted, shall be rounded off to the nearest multiple of EUR 1.00.
 6. The personal contribution referred to in Subsections (1) and (3) may be adjusted by means of an order in council.

7. What the wage index figure referred to in Subsection (5) is deemed to mean, shall be determined by means of an order in council.
8. By means of the order in council referred to in Section 34(4) rules shall be stipulated to cover those cases in respect of which an office has the power to abolish the personal contribution referred to in Subsections (1) and (3) or to set a lower one.

[Section 35

1. Unless stipulated otherwise by means of an order in council, a person seeking justice shall be required to make a personal contribution for the provision of legal aid.
2. The rules governing personal contributions and also the amount involved shall be determined by means of an order in council.
3. The amount of the contributions referred to in Subsection (2) shall be adjusted in accordance with the index referred to in such order in council.]

Section 36

1. Legal aid may be provided to a legal entity in accordance with the provisions of this act, if such entity can reasonably not be expected to pay for the cost of legal aid out of its own assets or income, which shall be deemed to include any contributions from its members or persons involved in it, as well as any government subsidies.
2. Any legal entity to which legal aid is provided on the basis of an appointment, shall be liable to make a personal contribution as referred to in Section 35(3)(1).

Section 36

Legal aid may be provided to a legal entity in accordance with the provisions of this act, if such entity can reasonably not be expected to pay for the cost of legal aid out of its own assets or income, which shall be deemed to include any contributions from its members or persons involved in it, as well as any government subsidies. Section 35 shall apply *mutatis mutandis*.

Part 2. The costs involved in providing legal aid

Section 37

1. A council shall provide a legal aid provider with a subsidy, known as a fee, for:
 - a. the legal aid he provides on the basis of an appointment;
 - b. the legal aid he provides in any case for the purposes of which a legal aid provider has provided legal aid as part of an arrangement made by that council for the provision of legal aid alternately in cases designated as such by means of an order in council.
2. This fee shall also cover any other costs pertaining to the provision of legal aid designated as such by means of an order in council, along with any value added tax payable in respect of this fee.
3. The personal contribution stipulated for a person seeking justice shall be deducted from the fee referred to in Subsection (1).
4. An advance may be periodically paid to any registered attorney.
5. Rules may be issued by means of an order in council in relation to:
 - a. the amount of such fee and the manner in which it is determined;
 - b. applications for such a fee and any decision-making in this respect;
 - c. the conditions subject to which such fee is paid;
 - d. the duties of legal aid providers;
 - e. the determination of such fee;
 - f. the adjustment of such fee;
 - g. the provision of any advance;
 - h. the payment of the fee;
 - i. compliance.
6. The fee referred to in Subsection (1) shall be payable to any foundation whose staff provide legal aid.

[Subsection (6) is to be repealed.]

Section 37a

In the event that a legal entity receives a full or partial pecuniary sum for the provision of legal services, no fee shall be paid to any attorney who is employed by such entity under private or public law in so far as any legal aid he has provided on the basis of an appointment may be deemed to constitute a legal service in return for which a pecuniary contribution has been received.

Section 37b

1. A council may provide subsidies to a legal aid provider or a group practice of legal aid providers established for the purposes of providing legal aid for special purposes and projects.
2. A council may set a ceiling for any activities in respect of which a subsidy may be provided.
3. A council may draw up rules to govern the provision of the subsidies referred to in Subsection (1).
4. These rules shall at any rate include:
 - a. details of the activities which qualify for subsidies;
 - b. a detailed description of the duties pertaining to any subsidy;
 - c. a deadline that must be observed when an application for the provision of a subsidy is submitted;
 - d. the duties pertaining to any subsidy;
 - e. a deadline that must be observed when an application for the approval of a subsidy is submitted;
 - f. the manner in which and the deadline by when the available amount is to be distributed.
5. The Minister's approval shall be required for the rules that are to be drawn up by the councils.

Section 37c

A council may provide a subsidy for special purposes and projects with a view to the provision of legal aid. Section 37b(2) to (5) shall apply *mutatis mutandis*.

Section 38

1. A person seeking justice shall be liable by operation of the law for the payment of the personal contribution required of him to the person who provides him with legal aid. For the rest, he shall not be liable for any payment with the exception of those costs which are more particularly incurred for the purposes of his case in so far as they may be charged to him pursuant to Section 41.
2. The personal contribution payable pursuant to Section 35(3) shall not exceed the amount of the fee to which the relevant legal aid provider is entitled under the terms of Section 37.
- [2. The personal contribution payable pursuant to Section 35 shall not exceed the amount of the fee to which the relevant legal aid provider is entitled under the terms of Section 37.]
3. A legal aid provider shall provide a person seeking justice with as much information as possible about the costs involved in the provision of legal aid to him. He shall be entitled to require a person seeking justice to pay an advance in order to ensure the collection of the personal contribution and any other costs involved in the matter for which the person seeking justice is liable.
4. In the event that a person seeking justice refuses to pay a legal aid provider the contribution for which he is liable, and any fees to cover the relevant costs, the president of the court in the district in which the legal aid provider has his practice, shall determine the amount involved. In this case the provisions of Sections 34 to 40 of the Act on Fees in Civil Cases shall apply *mutatis mutandis*.
5. The personal contribution referred to in Subsection (1) shall be payable to the relevant foundation by operation of the law, if the legal aid provider concerned is employed by this foundation.

Section 39

By means of an order in council referred to in Section 37(5) rules shall be issued for the payment of fees for services rendered in the course of the provision of legal aid by local counsel, bailiffs and, in criminal cases by interpreters, and also for the payment of any notice or announcement published in daily or other newspapers pursuant to the provisions of the law or a judicial order.

Section 40

A person seeking justice shall not be liable for the costs involved in the service of any process or the preparation of an official report in any matter in respect of which legal aid is provided pursuant to this act, nor for any assistance in executing a judgment handed down in such a case.

Section 41

1. By means of an order in council referred to in Section 37(5) rules may be issued concerning the costs incurred for the purposes of a case for which a legal aid provider is entitled to charge.
2. Furthermore, rules may also be issued by means of such order in council concerning the information that a legal aid provider is required to present to the relevant council in relation to:
 - a. any costs charged to a person seeking justice over and above the latter's personal contribution;
 - b. the time devoted to the case concerned;
 - c. the manner in which the matter has been dealt with.

Part 3. The provision of subsidies to the councils and the legal aid foundations

[Part 3. The provision of subsidies to the councils, the legal services counter and any foundation for special legal aid]

Section 42

1. Our Minister shall provide the councils with subsidies for the performance of their legal duties.
2. Contrary to the provisions of Section 4:21(3) of the Netherlands General Administrative Law Act, Title 4.2 of that legislation shall apply.
3. Subsidies shall be provided for each financial year.
4. Part 4.2.8 of the Netherlands General Administrative Law Act shall apply.

Section 42a

1. By means of or pursuant to an order in council rules shall be issued concerning:
 - a. the information which the Minister is to provide to the councils with a view to drawing up a budget, as well as the deadline for the provision of this information;
 - b. the deadline that is to be observed when an application for the provision of a subsidy is submitted;
 - c. the information or documents which are to be presented along with an application for the provision of a subsidy;
 - d. the requirements which a budget needs to satisfy;
 - e. the manner in which a subsidy is determined;
 - f. the provision of an advance;
 - g. those instances in which a council is liable for payment in respect of the accumulation of capital referred to in Section 4:41 of the Netherlands General Administrative Law Act, as well as the manner in which this payment is to be calculated;
 - h. those actions referred to in Section 4:71 of the Netherlands General Administrative Law Act for which a council requires the Minister's consent;
 - i. the creation of equalisation reserves by the councils;
 - j. any other duties pertaining to these subsidies;

- k. the deadline that is to be observed when an application for the approval of a subsidy is submitted;
 - l. the deadline by when the Minister is to make a decision in response to an application for the approval of a subsidy;
 - m. an audit by an accountant referred to in Section 4:78 of the Netherlands General Administrative Law Act;
 - n. any other requirements which the financial and activity reports need to satisfy.
2. The Minister shall draw up a directive concerning the scope and level of scrutiny of the audit referred to in Section 4:79(2) of the Netherlands General Administrative Law Act.

Section 42b

1. A council shall provide a legal aid foundation with a subsidy to cover the costs required for the performance of its duties as referred to in Section 19.
1. [\[The councils shall provide a subsidy to the legal services counter and any foundation for special legal aid for the performance of their duties.\]](#)
2. A council shall draw up rules for the provision of such subsidy, which shall at any rate include provisions concerning:
 - a. the deadline that is to be observed when an application for the provision of a subsidy is submitted;
 - b. the provision of an advance;
 - c. those instances in which a foundation is liable for payment in respect of the accumulation of capital referred to in Section 4:41 of the Netherlands General Administrative Law Act, as well as the manner in which this payment is to be calculated;
 - c. [\[those instances in which the legal services counter or any foundation for special legal aid is liable for payment in respect of the accumulation of capital referred to in Section 4:41 of the Netherlands General Administrative Law Act, as well as the manner in which this payment is to be calculated;\]](#)
 - d. those actions referred to in Section 4:71 of the Netherlands General Administrative Law Act for which a foundation requires the consent of the relevant council;
 - d. [\[those actions referred to in Section 4:71 of the Netherlands General Administrative Law Act for which the legal services counter or any foundation for special legal aid requires the consent of the relevant council;\]](#)
 - e. the creation of an equalisation reserve by the foundation;
 - e. [\[the creation of an equalisation reserve by the legal services counter and any foundation for special legal aid ;\]](#)
 - f. any other duties pertaining to the subsidy;
 - g. the deadline that is to be observed when an application for the approval of a subsidy is submitted;
 - h. an audit by an accountant referred to in Section 4:78 of the Netherlands General Administrative Law Act.
3. A council shall draw up a directive concerning the scope and level of scrutiny of the audit referred to in Section 4:79(2) of the Netherlands General Administrative Law Act.
4. The Minister's approval shall be required for any rules drawn up by a council. Such approval may be withheld on the grounds that they are contrary to the law or the public interest.
4. [\[The Minister's approval shall be required for any rules drawn up by the councils governing the provision of subsidies to the legal services counter and any special legal aid foundation. Such approval may be withheld on the grounds that these rules are contrary to the law or the public interest.\]](#)
5. A foundation shall provide the personal details of any person seeking justice to an accountant in so far as is necessary for the purposes of an audit conducted by him under the terms of Section 4:78 of the Netherlands General Administrative Law Act.
5. [\[The legal services counter or a special legal aid foundation shall provide the personal details of any person seeking justice to an accountant in so far as is necessary for the purposes of an audit conducted by him under the terms of Section 4:78 of the Netherlands General Administrative Law Act.\]](#)

Section 42c

1. A council may provide a legal aid foundation with subsidies for special purposes and projects with a view to the performance of the duties referred to in Section 19.
1. [The councils may provide subsidies for special purposes and projects to the legal services counter and any special legal aid foundation with a view to the performance of their duties.]
2. The provisions of Section 37b(2) to (5) shall apply.

Chapter VI. Legal aid in criminal matters

Section 43

1. Subject to the provisions of the Netherlands Code of Criminal Procedure legal aid shall be free of charge in any case in which a council appoints legal counsel for an accused or convicted person by order of a court of law pursuant to any legal provision in the Netherlands Criminal Code or the Netherlands Code of Criminal Procedure.
2. Subsection (1) shall apply *mutatis mutandis* in respect of legal aid referred to in:
 - a. Section 24(3) of the Netherlands Extradition Act;
 - b. Section 100 of the Netherlands Aliens Act 2000;
 - c. Section 65(1) of the Netherlands Custodial Institutions Act;
 - d. Section 70(1) of the Netherlands Youth Custodial Institutions Act;
 - e. Sections 52(3) and 64(2) of the Netherlands Act on the Enforcement of Criminal Judgements;
 - f. Sections 8(3), 22(1) and 41(12) of the Netherlands Act on Special Admissions in Psychiatric Hospitals;
 - g. Section 62(1) of the Act on the Framework of Hospital Orders.

Section 44

1. A council may appoint an attorney for any person who is entitled to engage legal counsel pursuant to the Netherlands Criminal Code or the Netherlands Code of Criminal Procedure.
2. The personal contribution referred to in Section 35(1) and (2) shall not be payable for legal aid, if it is granted under the terms of Subsection (1) to a person seeking justice whose income does not exceed the amount referred to in Section 35(3)(a).
3. A personal contribution shall not be payable, if a case ends without the imposition of a sentence or measure, or without the application of Section 9a of the Netherlands Criminal Code. A legal aid provider shall refund such personal contribution to the person seeking justice, unless the latter has not yet paid it.
4. A council shall have the power to dispense with the requirement of a personal contribution, if it appoints legal counsel for any person who engages such counsel other than in the capacity of an accused or convicted person under the terms of the Netherlands Criminal Code or the Netherlands Code of Criminal Procedure.

Section 44a (Will come into effect at a time that is still to be determined.)

Chapter VII. Objections and appeals

Section 45 (Repealed on 1 May 2004.)

Section 46

1. Contrary to the provisions of Section 8:7(2) of the Netherlands General Administrative Law Act, if an appeal is filed against a decision of any council, a court within the area of jurisdiction in which such council has its office, shall be competent to hear it.

2. Contrary to the provisions of Section 8:41(3)(b) and (c) of the Netherlands General Administrative Law Act, the court registry fee shall amount to EUR 37.00, if a person seeking justice files an appeal against a council decision.
3. Contrary to the provisions of Section 40(2)(a) and (b) of the Netherlands Council of State Act, the court registry fee shall amount to EUR 103.00 if a person seeking justice files an appeal.
4. The amounts referred to in Subsections (2) and (3) may be adjusted by means of an order in council in so far as the cost of living index figure provides grounds for doing so.

Chapter VIII. Regulation of compliance

Section 47

1. The regulation of compliance with the duties imposed on the receiver of a subsidy or payment by or pursuant to this act shall be the responsibility of a person designated for this purpose by means of a decree issued by the Minister.
2. Such regulatory authority shall not possess the powers referred to in Sections 5:18 and 5:19 of the Netherlands General Administrative Law Act.
3. A decree referred to in Subsection (1) shall be published by placing it in the Netherlands Government Gazette.
4. The provision of subsidies or payments by the Minister shall be accompanied by a duty on the part of the recipients thereof to provide any assistance to the regulatory authority which the latter may require for the purposes of exercising its powers.

Chapter IX. Final and transitional provisions

Section 48

Section 10(1) of the Netherlands Aliens Act 2000 shall not apply to any entitlement to legal aid in accordance with this act.

Section 49

A recommendation shall not be made for an order in council pursuant to Section 12(3), 19(1)(b), 34(4), 35(5) or 37(5) until such time as the draft thereof has been published in the Netherlands Government Gazette and everyone has been afforded an opportunity to communicate his wishes and objections to the Minister within four weeks as of the date of publication. This draft shall be presented to both houses of the States General simultaneous with publication.

[A recommendation shall not be made for an order in council pursuant to Section 12(3), 19, 34(4) or 35 until such time as the draft thereof has been published in the Netherlands Government Gazette and everyone has been afforded an opportunity to communicate his wishes and thoughts to the Minister within four weeks as of the date of publication. This draft shall be presented to both houses of the States General simultaneous with publication.]

Section 50

(Contains provisions amending other legislation.)

Section 51

(Contains provisions amending other legislation.)

Section 52

(Contains provisions amending other legislation.)

Section 53

(Contains provisions amending other legislation.)

Section 54

(Contains provisions amending other legislation.)

Section 55

(Contains provisions amending other legislation.)

Section 56

(Contains provisions amending other legislation.)

Section 57

(Contains provisions amending other legislation.)

Section 58

(Contains provisions amending other legislation.)

Section 59

(Contains provisions amending other legislation.)

Section 60

(Contains provisions amending other legislation.)

Section 61

(Contains provisions amending other legislation.)

Section 62

(Contains provisions amending other legislation.)

Section 63

(Contains provisions amending other legislation.)

Section 64 (Repealed on 1 January 1998.)

Section 65 (Repealed on 1 May 2004.)

Section 66

1. This act shall come into effect on the day following the date of publication of the issue of the Netherlands Government Gazette in which it is published.
2. On the same date the Netherlands Act on Legal Aid for the Indigent and Destitute shall be revoked subject to the proviso that the latter legislation and any provisions – contrary to the provisions of Section IV of the Act of 22 December 1983 amending the Netherlands Act on Legal Aid for the Indigent and Destitute and of the Act on Fees in Civil Cases which are based on it,

shall continue to apply in respect of any legal aid that is granted to a person seeking justice pursuant to a decision taken prior to this date.

Section 67

This act may be cited as the Netherlands Act on Legal Aid.

Do hereby command and order that it be published in the Netherlands Government Gazette and that all of the ministries, authorities, bodies and officials who are concerned with it, enforce it diligently.

Done at The Hague, 23 December 1993

Beatrix

The Minister of Justice
E.M.H. Hirsch Ballin

The State Secretary of Justice
A. Kosto

Published on 31 December 1993

The Minister of Justice
E.M.H. Hirsch Ballin