

**The Constitution of the**

**Kingdom of the Netherlands 2008**

**§ 1. Organisation and composition**

## Article 50

The States General shall represent the entire people of the Netherlands.

## Article 51

1. The States General shall consist of a Lower House (Tweede Kamer) and an Upper House (Eerste Kamer).
2. The Lower House shall consist of one hundred and fifty members.
3. The Upper House shall consist of seventy-five members.
4. The two Houses shall be deemed a single entity when they meet in joint session.

## Article 52

1. The duration of both Houses shall be four years.
2. The duration of the Upper House shall be amended accordingly if the duration of the provincial councils (provinciale staten) is altered by Act of Parliament to a term other than four years.

## Article 53

1. The members of both Houses shall be elected by proportional representation within the limits to be laid down by Act of Parliament.
2. Elections shall be by secret ballot.

## Article 54

1. The members of the Lower House shall be elected directly by Dutch nationals who have attained the age of eighteen, with the exception of any Dutch nationals who may be excluded by Act of Parliament by virtue of the fact that they are not resident in the Netherlands.
2. Anyone who has committed an offence designated by Act of Parliament and has been sentenced as a result by a final and conclusive judgment of a court of law to a custodial sentence of not less than one year and simultaneously disqualified from voting shall not be entitled to vote.

## Article 55

The members of the Upper House shall be chosen by the members of the provincial councils. The election shall take place not more than three months after the election of the members of the provincial councils except in the event of the dissolution of the House.

## Article 56

To be eligible for membership of the States General, a person must be a Dutch national, must have attained the age of eighteen years and must not have been disqualified from voting.

Article 57

1. No one may be a member of both Houses.
2. A member of the States General may not be a Minister, State Secretary, member of the Council of State, member of the Court of Audit (Algemene Rekenkamer), National Ombudsman or Deputy Ombudsman, member of the Supreme Court, or Procurator General or Advocate General at the Supreme Court.
3. Notwithstanding the above, a Minister or State Secretary who has offered to tender his resignation may combine the said office with membership of the States General until such time as a decision is taken on such resignation.
4. Other public functions which may not be held simultaneously by a person who is a member of the States General or of one of the Houses may be designated by Act of Parliament.

Article 57a

The temporary replacement of a member of the States General during pregnancy and maternity leave or during illness shall be regulated by Act of Parliament.

Article 58

Each House shall examine the credentials of its newly appointed members and shall decide with due reference to rules to be established by Act of Parliament any disputes arising in connection with the credentials or the election.

Article 59

All other matters pertaining to the right to vote and to elections shall be regulated by Act of Parliament.

Article 60

Upon accepting office members of the Houses shall swear an oath or make an affirmation and promise before the House in the manner prescribed by Act of Parliament that they have not done anything which may legally debar them from holding office, and shall also swear or promise allegiance to the Constitution and that they will faithfully discharge their duties.

Article 61

1. Each House shall appoint a Speaker from among its members.
2. Each House shall appoint a Clerk who, like the other officials of the two Houses, may not be a member of the States General.

Article 62

The Speaker of the Upper House shall preside when the two Houses meet in joint session.

Article 63

Financial remuneration for members and former members of the States General and their dependants shall be regulated by Act of Parliament. The Houses may pass a Bill on the matter only if at least two-thirds of the votes cast are in favour.

Article 64

1. Each of the Houses may be dissolved by Royal Decree.
2. A decree for dissolution shall also require new elections to be held for the House which has been dissolved and the newly elected House to meet within three months.
3. The dissolution shall take effect on the day on which the newly elected House meets.
4. The duration of a Lower House that meets following a dissolution shall be determined by Act of Parliament; the term may not exceed five years. The duration of an Upper House that meets following a dissolution shall end at the time at which the duration of the dissolved House would have ended.

## **§ 2. Procedure**

Article 65

A statement of the policy to be pursued by the Government shall be given by or on behalf of the King before a joint session of the two Houses of the States General that shall be held every year on the third Tuesday in September or on such earlier date as may be prescribed by Act of Parliament.

Article 66

1. The sittings of the States General shall be held in public.
2. The sittings shall be held in camera if one tenth of the members present so require or if the Speaker considers it necessary.
3. The House, or the two Houses meeting in joint session, shall then decide whether the deliberations are to continue and the decisions to be taken in camera.

Article 67

1. The two Houses may deliberate or take decisions, either separately or in joint session, only if more than half of the members are present.
2. Decisions shall be taken by majority.
3. The members shall not be bound by a mandate or instructions when casting their votes.
4. Voting on items of business not relating to individuals shall be oral and by roll call if requested by one member.

Article 68

Ministers and State Secretaries shall provide, orally or in writing, the Houses either separately or in joint session with any information requested by one or more members, provided that the provision of such information does not conflict with the interests of the State.

Article 69

1. Ministers and State Secretaries shall have the right to attend sittings of the States General and may take part in the deliberations.
2. They may be invited to be present at sittings of the Houses of the States General meeting either separately or in joint session.
3. They may be assisted at the sittings by persons nominated by them.

Article 70

The two Houses shall jointly and separately have the right of inquiry (enquête) to be regulated by Act of Parliament.

Article 71

Members of the States General, Ministers, State Secretaries and other persons taking part in deliberations may not be prosecuted or otherwise held liable in law for anything they say during the sittings of the States General or of its committees or for anything they submit to them in writing.

Article 72

Each House of the States General and the two Houses in joint session shall draw up rules of procedure.

## **Council of State, Court of Audit National Ombudsman and permanent advisory bodies**

### Article 73

1. The Council of State or a division of the Council shall be consulted on Bills and draft orders in council as well as proposals for the approval of treaties by the States General. Such consultation may be dispensed with in cases to be laid down by Act of Parliament.
2. The Council or a division of the Council shall be responsible for investigating administrative disputes where the decision has to be given by Royal Decree, and for advising on the ruling to be given in the said dispute.
3. The Council or a division of the Council may be required by Act of Parliament to give decisions in administrative disputes.

### Article 74

1. The King shall be President of the Council of State. The heir presumptive shall be legally entitled to have a seat on the Council on attaining the age of eighteen. Other members of the Royal House may be granted a seat on the Council by or in accordance with an Act of Parliament.
2. The members of the Council shall be appointed for life by Royal Decree.
3. They shall cease to be members of the Council on resignation or on attaining an age to be determined by Act of Parliament.
4. They may be suspended or dismissed from membership by the Council in instances specified by Act of Parliament.
5. Their legal status shall in other respects be regulated by Act of Parliament.

### Article 75

1. The organisation, composition and powers of the Council of State shall be regulated by Act of Parliament.
2. Additional duties may be assigned to the Council or a division of the Council by Act of Parliament.

### Article 76

The Court of Audit (Algemene Rekenkamer) shall be responsible for examining the State's revenues and expenditures.

### Article 77

1. The members of the Court of Audit shall be appointed for life by Royal Decree from a list of three persons per vacancy drawn up by the Lower House of the States General.
2. They shall cease to be members on resignation or on attaining an age to be determined by Act of Parliament.

3. They may be suspended or dismissed from membership by the Supreme Court in cases to be laid down by Act of Parliament.
4. Their legal status shall in other respects be regulated by Act of Parliament.

Article 78

1. The organisation, composition and powers of the Court of Audit shall be regulated by Act of Parliament.
2. Additional duties may be assigned to the Court of Audit by Act of Parliament.

Article 78a

1. The National Ombudsman shall investigate, on request or of his own accord, actions taken by administrative authorities of the State and other administrative authorities designated by or pursuant to Act of Parliament.
2. The National Ombudsman and a Deputy Ombudsman shall be appointed by the Lower House of the States General for a period to be determined by Act of Parliament. They may resign or retire on attaining an age to be determined by Act of Parliament. They may be suspended or dismissed by the Lower House of the States General in instances specified by Act of Parliament. Their legal status shall in other respects be regulated by Act of Parliament.
3. The powers and methods of the National Ombudsman shall be regulated by Act of Parliament.
4. Additional duties may be assigned to the National Ombudsman by or pursuant to Act of Parliament.

Article 79

1. Permanent bodies to advise on matters relating to legislation and administration of the State shall be established by or pursuant to Act of Parliament.
2. The organisation, composition and powers of such bodies shall be regulated by Act of Parliament.
3. Duties in addition to advisory ones may be assigned to such bodies by or pursuant to Act of Parliament.

Article 80

1. The recommendations made by the bodies referred to in the present chapter shall be made public according to rules to be laid down by Act of Parliament.
2. Other than in cases to be laid down by Act of Parliament, recommendations made in respect of Bills presented by or on behalf of the King shall be submitted to the States General.

**§ 1. Acts of Parliament and other regulations**

## Article 81

Acts of Parliament shall be enacted jointly by the Government and the States General.

## Article 82

1. Bills may be presented by or on behalf of the King or by the Lower House of the States General.
2. Bills which require consideration by a joint session of the States General may be presented by or on behalf of the King or by a joint session of the States General insofar as this is consistent with the relevant articles of Chapter 2.
3. Bills to be presented by the Lower House or by a joint session of the States General shall be introduced in the House or the joint session as the case may be by one or more members.

## Article 83

Bills presented by or on behalf of the King shall be sent to the Lower House or to the joint session if consideration by a joint session of the States General is required.

## Article 84

1. A Bill presented by or on behalf of the King that has not yet been passed by the Lower House or by a joint session of the States General may be amended by the House or the joint session as the case may be on the proposal of one or more members or by the Government.
2. Any Bill being presented by the Lower House or a joint session of the States General that has not yet been passed may be amended by the House or joint session as the case may be on the proposal of one or more members or by the member or members introducing the Bill.

## Article 85

As soon as the Lower House passes a Bill or resolves to present a Bill, it shall send it to the Upper House which shall consider the Bill as sent to it by the Lower House. The Lower House may instruct one or more of its members to defend a Bill presented by it in the Upper House.

## Article 86

1. A Bill may be withdrawn by or on behalf of the proposer until such time as it is passed by the States General.
2. A Bill which is to be presented by the Lower House or by a joint session of the States General may be withdrawn by the member or members introducing it until such time as it is passed.



Article 87

1. A Bill shall become an Act of Parliament once it has been passed by the States General and ratified by the King.
2. The King and the States General shall inform each other of their decision on any Bill.

Article 88

The publication and entry into force of Acts of Parliament shall be regulated by Act of Parliament. They shall not enter into force before they have been published.

Article 89

1. Orders in council shall be established by Royal Decree.
2. Any regulations to which penalties are attached shall be embodied in such orders only in accordance with an Act of Parliament. The penalties to be imposed shall be determined by Act of Parliament.
3. Publication and entry into force of orders in council shall be regulated by Act of Parliament. They shall not enter into force before they have been published.
4. The second and third paragraphs shall apply *mutatis mutandis* to other generally binding regulations established by the State.

## **§ 2. Miscellaneous Provisions**

Article 90

The Government shall promote the development of the international legal order.

Article 91

1. The Kingdom shall not be bound by treaties, nor shall such treaties be denounced without the prior approval of the States General. The cases in which approval is not required shall be specified by Act of Parliament.
2. The manner in which approval shall be granted shall be laid down by Act of Parliament, which may provide for the possibility of tacit approval.
3. Any provisions of a treaty that conflict with the Constitution or which lead to conflicts with it may be approved by the Houses of the States General only if at least two-thirds of the votes cast are in favour.

Article 92

Legislative, executive and judicial powers may be conferred on international institutions by or pursuant to a treaty, subject, where necessary, to the provisions of Article 91 paragraph 3.

Article 93

Provisions of treaties and of resolutions by international institutions which may be binding on all persons by virtue of their contents shall become binding after they have been published.

Article 94

Statutory regulations in force within the Kingdom shall not be applicable if such application is in conflict with provisions of treaties or of resolutions by international institutions that are binding on all persons.

Article 95

Rules regarding the publication of treaties and decisions by international institutions shall be laid down by Act of Parliament.

Article 96

1. A declaration that the Kingdom is in a state of war shall not be made without the prior approval of the States General.
2. Such approval shall not be required in cases where consultation with Parliament proves to be impossible as a consequence of the actual existence of a state of war.
3. The two Houses of the States General shall consider and decide upon the matter in joint session.
4. The provisions of the first and third paragraphs shall apply *mutatis mutandis* to a declaration that a state of war has ceased.

Article 97

1. There shall be armed forces for the defence and protection of the interests of the Kingdom, and in order to maintain and promote the international legal order.
2. The Government shall have supreme authority over the armed forces.

Article 98

1. The armed forces shall consist of volunteers and may also include conscripts.
2. Compulsory military service and the power to defer the call-up to active service shall be regulated by Act of Parliament.

Article 99

Exemption from military service because of serious conscientious objections shall be regulated by Act of Parliament.

Article 99a

Duties may be assigned for the purpose of civil defence in accordance with rules laid down by Act of Parliament.

Article 100

1. The Government shall inform the States General in advance if the armed forces are to be deployed or made available to maintain or promote the international legal order. This shall include the provision of humanitarian aid in the event of armed conflict.

2. The provisions of paragraph 1 shall not apply if compelling reasons exist to prevent the provision of information in advance.

In this event, information shall be supplied as soon as possible.

Article 101

(Lapsed in accordance with Kingdom Act of 10 July 1995, Bulletin of Acts and Decrees, 401)

Article 102

(Lapsed in accordance with Kingdom Act of 22 June 2000, Bulletin of Acts and Decrees, 294)

Article 103

1. The cases in which a state of emergency, as defined by Act of Parliament, may be declared by Royal Decree in order to maintain internal or external security shall be specified by Act of Parliament. The consequences of such a declaration shall be governed by Act of Parliament.

2. Such a declaration may depart from the provisions of the Constitution relating to the powers of the executive bodies of the provinces, municipalities and water boards (waterschappen), the basic rights laid down in Article 6, insofar as the exercise of the right contained in this Article other than in buildings and enclosed places is concerned, Articles 7, 8, 9 and 12 paragraphs 2 and 3, Article 13 and Article 113 paragraphs 1 and 3.

3. Immediately after the declaration of a state of emergency and whenever it considers it necessary, until such time as the state of emergency is terminated by Royal Decree, the States General shall decide the duration of the state of emergency. The two Houses of the States General shall consider and decide upon the matter in joint session.

Article 104

Taxes imposed by the State shall be levied pursuant to Act of Parliament. Other levies imposed by the State shall be regulated by Act of Parliament.

Article 105

1. The estimates of the State's revenues and expenditures shall be laid down by Act of Parliament.

2. Bills containing general estimates shall be presented by or on behalf of the King every year on the date specified in Article 65.

3. A statement of the State's revenues and expenditures shall be presented to the States General in accordance with the provisions of the relevant Act of Parliament. The balance sheet approved by the Court of Audit shall be presented to the States General.

4. Rules relating to the management of the State's finances shall be prescribed by Act of Parliament.

Article 106

The monetary system shall be regulated by Act of Parliament.

Article 107

1. Civil law, criminal law and civil and criminal procedure shall be regulated by Act of Parliament in general legal codes without prejudice to the power to regulate certain matters in separate Acts of Parliament.

2. The general rules of administrative law shall be laid down by Act of Parliament.

Article 108

(Lapsed in accordance with Kingdom Act of 25 February 1999, Bulletin of Acts and Decrees, 133)

Article 109

The legal status of public servants shall be regulated by Act of Parliament. Rules regarding employment protection and co-determination for public servants shall also be laid down by Act of Parliament.

Article 110

In the exercise of their duties government bodies shall observe the right of public access to information in accordance with rules to be prescribed by Act of Parliament.

Article 111

Honours shall be established by Act of Parliament.

## The administration of justice

### Article 112

1. The adjudication of disputes involving rights under civil law and debts shall be the responsibility of the judiciary.
2. Responsibility for the adjudication of disputes which do not arise from matters of civil law may be granted by Act of Parliament either to the judiciary or to courts that do not form part of the judiciary. The method of dealing with such cases and the consequences of decisions shall be regulated by Act of Parliament.

### Article 113

1. The trial of offences shall also be the responsibility of the judiciary.
2. Disciplinary proceedings established by government bodies shall be regulated by Act of Parliament.
3. A sentence entailing deprivation of liberty may be imposed only by the judiciary.
4. Different rules may be established by Act of Parliament for the trial of cases outside the Netherlands and for martial law.

### Article 114

Capital punishment may not be imposed.

### Article 115

Appeal to a higher administrative authority shall be admissible in the case of the disputes referred to in Article 112, paragraph 2.

### Article 116

1. The courts which form part of the judiciary shall be specified by Act of Parliament.
2. The organisation, composition and powers of the judiciary shall be regulated by Act of Parliament.
3. In cases provided for by Act of Parliament, persons who are not members of the judiciary may take part with members of the judiciary in the administration of justice.
4. The supervision by members of the judiciary responsible for the administration of justice of the manner in which such members and the persons referred to in the previous paragraph fulfil their duties shall be regulated by Act of Parliament.

### Article 117

1. Members of the judiciary responsible for the administration of justice and the Procurator General at the Supreme Court shall be appointed for life by Royal Decree.
2. Such persons shall cease to hold office on resignation or on attaining an age to be determined by Act of Parliament.

3. In cases laid down by Act of Parliament such persons may be suspended or dismissed by a court that is part of the judiciary and designated by Act of Parliament.

4. Their legal status shall in other respects be regulated by Act of Parliament.

Article 118

1. The members of the Supreme Court of the Netherlands shall be appointed from a list of three persons drawn up by the Lower House of the States General.

2. In the cases and within the limits laid down by Act of Parliament, the Supreme Court shall be responsible for annulling court judgments which infringe the law (cassation).

3. Additional duties may be assigned to the Supreme Court by Act of Parliament.

Article 119

Present and former members of the States General, Ministers and State Secretaries shall be tried by the Supreme Court for offences committed while in office. Proceedings shall be instituted by Royal Decree or by a resolution of the Lower House.

Article 120

The constitutionality of Acts of Parliament and treaties shall not be reviewed by the courts.

Article 121

Except in cases laid down by Act of Parliament, trials shall be held in public and judgments shall specify the grounds on which they are based. Judgments shall be pronounced in public.

Article 122

1. Pardons shall be granted by Royal Decree upon the recommendation of a court designated by Act of Parliament and with due regard to regulations to be laid down by or pursuant to Act of Parliament.

2. Amnesty shall be granted by or pursuant to Act of Parliament.