



# Dutch Civil Code

## Book 1 Law of Persons and Family Law

### Title 1.4 Civil Status

#### Section 1.4.1 The Registrar of Civil Status

##### Article 1:16 Registrar and Extraordinary Registrar of Civil Status

- **1.** In each municipality there are at least two or, at the discretion of the College of Mayor and Aldermen, more Registrars of Civil Status. In addition one or more Registrars may be charged with specific duties. These bear the title of Extraordinary Registrar of Civil Status.
- **2.** The Registrars, meant in paragraph 1, are appointed, suspended or dismissed by the College of Mayor and Aldermen. An appointment can be made for a specific period.
- **3.** The Registrar of Civil Status of a municipality may only be a civil servant of that municipality or of another municipality. An Extraordinary Registrar may also be a person who is not in service as a civil servant of a municipality.
- **4.** The Registrar or Extraordinary Registrar is only permitted to enter into office after he has sworn the following oath or made the following official promise before the District Court in whose territorial jurisdiction the municipality is located where he will be appointed for the first time in this capacity:

" I swear (promise) that I will fulfil the office of Registrar with fairness and accuracy and that I will observe the statutory provisions with regard to the Registry of Civil Status with the utmost care. Furthermore I swear (promise) that I, in order to be appointed as Registrar, have not made any donations or promises to anyone, neither directly nor indirectly, in any name or with reference to any possibility, and that I, in order to do or refrain from doing something in the fulfilment of this office, shall not accept any promise or donation from anyone, neither directly nor indirectly. So help me God Almighty (This I declare and promise) ".

##### Article 1:16a Specification of duties

- **1.** The Registrar of Civil Status is charged with the registration in the Registers of Civil Status in his care of certificates and of later declarations added to these certificates as well as with all that is required to preserve these registers and to ensure the accessibility of the data registered therein.
- **2.** An Extraordinary Registrar of Civil Status may be charged only with the duties defined in Articles 1:45, 1:45a, 1:63, 1:64, 1:65, 1:67, 1:80a paragraph 3, and 1:80g.

##### Article 1:16b Right to perform procedural acts in court

Where a Registrar of Civil Status in the conduct of his office has to perform procedural acts in court pursuant to any statutory provision of this Title or of any other Title of Book 1 of the Civil Code, he may do so without a solicitor registered as a member of the Dutch Bar Association.

### **Article 1:16c Access for the public to the Registry of Civil Status**

The College of Mayor and Aldermen determines the hours on which the desks of the Registry of Civil Status will be open each day for the public. In order to limit the work of the Registrars on Saturdays, Sundays, commonly known holidays and other particular days to be pointed out by the College of Mayor and Aldermen, a separate regulation will be made from which results that on these particular days the Registry of Civil Status will be open only during several hours or possibly not at all.

### **Article 1:16d Delegation**

Rules are set by Order in Council with respect to measures to be taken by the College of Mayor and Aldermen for the implementation of the duties to be performed by the Registrars of Civil Status and, furthermore, of whatever relates to the fulfilment of their office.

## ***Section 1.4.2 Preservation of the Registers of Civil Status***

### **Article 1:17 Registers of Civil Status**

- **1.** Every municipality has its own Register of Births, Register of Death, Marriage Register and Register of Registered Partnerships.
- **2.** The municipality of The Hague has, besides the registers mentioned in paragraph 1, a special register for the registration of judicial decisions and judgements as meant in Section 6 of Book 1 of the Civil Code.

### **Article 1:17a Moving the registers to the municipal archives**

- **1.** The Registers of Civil Status are kept in the town hall until they are moved to the municipal archive as referred to in the Archive Act for Public Records 1995 (Stb. 276).
- **2.** The Register of Births will be moved from the town hall to the municipal archives one hundred years after it has been closed. The Register of Death will be moved from the town hall to the municipal archives fifty years after it has been closed. The Marriage Register and the Register of Registered Partnerships will be moved from the town hall to the municipal archives seventy-five years after these registers have been closed.

### **Article 1:17b Duty of the administrator of the municipal archives**

It is the duty of the administrator of the municipal archives meant in Article 1:17a to preserve the registers which are kept under his responsibility and to add later declarations to the certificates registered therein and to supply certified copies and extracts from these certificates.

### **Article 1:17c Delegation**

Rules are set by Order in Council for everything that concerns the organisation and administration of the registers and the operations with respect to those registers as referred to in Article 1:17b.

## ***Section 1.4.3 Certificates of Civil Status and parties to these instruments***

### **Article 1:18 Certificates of Civil Status**

- **1.** A Registrar may only lay down in the certificates what must be mentioned or recorded in it by or pursuant to law.
- **2.** Before making a certificate the Registrar is entitled to demand that the legally required documents are shown to him. Also other documents must be shown to him which he regards necessary for making a certificate or for verification of the information to be mentioned in a certificate. He is entitled to gather for this purpose information from the Registers of Civil Status or from other public registers, without the obligation to pay any charges.
- **3.** All that concerns the drawing up of certificates of Civil Status will be regulated by Order in Council.

### **Article 1:18a Parties to a certificate of Civil Status**

- **1.** The persons who are reporting a fact to the Registrar for which the certificate will serve as proof or who are making statements before the Registrar with regard to such facts are regarded as parties to the certificate.
- **2.** Interested persons are persons whose declaration or statement brings about any legal effect for themselves or for their co-parties or for themselves and their co-parties.
- **3.** Interested persons may have themselves represented by a representative who is authorised to this end by authentic (notarial) deed.
- **4.** When a representative makes a statement, both he and the person who is represented by him, are regarded as party to the certificate.
- **5.** It is not permitted for a Registrar to complete a certificate in which he appears as party or interested person.

### **Article 1:18b Grounds of refusal for drawing up a certificate**

- **1.** Where a party to a certificate of Civil Status or an interested person fails to submit a document as referred to in Article 1:18 paragraph 2 or where the Registrar is of the opinion that a submitted document is inadequate, he will refuse to draw up the involved certificate.
- **2.** The Registrar will also refuse to draw up a certificate if he is of the opinion that this would be contrary to Dutch public order.
- **3.** The Registrar will notify all parties to the certificate and all interested persons in writing of a refusal as meant in paragraph 1 or 2, mentioning the reason for the refusal as well as the available remedy against it with reference to Section 12 of this Title. A copy of this written notification will be send by him to the chief of the local police force.

### **Article 1:18c Doubling and replacement of certificates**

- **1.** Of all certificates recorded in the Registers of Civil Status an original double or a true copy is kept in accordance with rules to be set by Order in Council.
- **2.** All that concerns the preservation of the double originals or true copies of the certificates and of later declarations will be regulated by Order in Council.
- **3.** When certificates of Civil Status are lost or damaged, the Central Deposit assigned by the Ministry of Justice to save the original doubles will make a copy of the original double of these certificates as replacement. The copies will replace the certificates that are lost or damaged.
- **4.** A list is made of the certificates which are replaced, to be published in the Dutch Government Gazette.
- **5.** The costs of replacing certificates of Civil Status are charged to the State, unless it concerns the replacement of certificates that are kept by a municipality, in which case the costs of replacement are for account of that municipality.

- **6.** The Minister of Justice may issue further rules with regard to the way in which the replacement of certificates of Civil Status must be carried out.

### **Section 1.4.4 Certificates of birth, death and life ("attestatie de vita"),**

#### **Article 1:19 Birth certificate**

- **1.** A birth certificate is drawn up by the Registrar of the municipality where the child is born.
- **2.** Where the place of birth of the child is unknown, the birth certificate is drawn up by the Registrar of the municipality where the child has been found. Then this municipality is regarded to be the municipality where the child is born.

#### **Article 1:19a Birth of a child during a journey**

- **1.** In the event that a child is born on Dutch territory in a mobile vehicle or on a sailing ship or during domestic flight in an airplane, the birth certificate is drawn up by the Registrar of the municipality where that child leaves the vehicle, the ship or airplane, or where the ship moors. That municipality is regarded to be the municipality where the child is born.
- **2.** In the event that a child is born during a sea voyage with a vessel registered as such in the Netherlands or during an international air flight in an airplane registered as such in the Netherlands, the captain of the vessel or airplane is compelled to register within 24 hours a provisional birth certificate in the journal in the presence of two witnesses and, if possible, in the presence of the father of the child. The captain sends a duplicate of this provisional birth certificate as soon as possible to the Registrar of the municipality of The Hague. This Registrar draws up the birth certificate by means of the received duplicate on the understanding that he, as much as possible, adds information to it that is missing and corrects data that appears to be incorrect. An extract of the certificate will be sent to all persons to whom the certificate relates.

#### **Article 1:19b Special cases (foundling I)**

Where the place or the date of birth of a child is unknown or where the name, including the forenames, of the mother is unknown, the birth certificate is drawn up pursuant to the instructions and in accordance with the directions of the Public Prosecution Service.

#### **Article 1:19c Special cases (foundling II)**

Where a provisional forename and surname have been recorded on the birth certificate pursuant to Article 1:5 paragraph 10, the Registrar immediately sends a complete duplicate of the birth certificate to the Ministry of Justice.

#### **Article 1:19d Special cases (gender)**

- **1.** If the child's gender is doubtful, then a birth certificate will be drawn up in which is recorded that the sex of the child could not be determined.
- **2.** Within three months after birth or, when the child dies within this period, at the occasion of the report of death, a new birth certificate will be drawn up in which the child's gender, if this has been established in the mean time, will be recorded by means of a submitted medical certificate, while the certificate mentioned in paragraph 1 will be deleted.
- **3.** If no medical certificate has been submitted within the period mentioned in paragraph 2 or if such a medical certificate has been submitted within that period, but it indicates that it is still

impossible to establish the child's gender, then the new birth certificate will report that the sex of the child could not be determined.

### **Article 1:19e Report of birth**

- **1.** The mother of the child is entitled to report its birth.
- **2.** The father of the child has the legal duty to report its birth.
- **3.** Where the father is absent or where he is prevented from making the report, the duty to report the birth of the child lays upon:
  - a.** each person who was present at the delivery of the child;
  - b.** the occupants of the house where the child was born, or if it was born in a hospital or a nursing or care institution, a prison or a similar institution, the head of the involved institution or a subordinate which particularly is authorised by him by private deed to make the report.
- **4.** The duty for the persons mentioned in paragraph 3 under point (b) only exists when there are no persons as meant in paragraph 3 under point (a) or when no persons as meant in paragraph 3 under point (a) are able to make the report to the Registrar.
- **5.** When there are no persons at hand who are entitled or compelled to report the birth of the child to the Registrar, the report will be made by the Mayor of the municipality where the birth certificate must be drawn up.
- **6.** The duty to report the birth of a child to the Registrar must be fulfilled within three days after the day of delivery of the child. When the birth of the child has been reported later than at the third day, meant in the first sentence of this paragraph, this will be reported by the Registrar to the Public Prosecution Service.
- **7.** The Registrar establishes the identity of the person who makes the report by means of a document as referred to in Article 1 of the Identification Act [*Wet op de identificatieplicht*].
- **8.** When a report is made the Registrar may demand that a declaration is submitted to him of a medical doctor or midwife who was present at the delivery of the child that this child was born out of the person who has been reported as its mother. Where the child has been delivered without a medical doctor or midwife being present, the Registrar may demand afterwards that such a declaration of a medical doctor is submitted to him.
- **9.** Article 1:19b applies in the event that the Registrar's request, meant in paragraph 8, to submit a declaration of a medical doctor or midwife is not obeyed or in the event that this declaration indicates that the mother of the child is unknown.

### **Article 1:19f Death certificate**

- **1.** A death certificate is drawn up by the Registrar of the municipality where the involved person has died.
- **2.** If a corpse has been found and it is not possible to determine with sufficient accuracy where the involved person has died or on which day, then the death certificate is drawn up by the Registrar of the municipality where the corpse was found or where it was brought ashore.
- **3.** Paragraph 2 applies accordingly, without prejudice to the provision of paragraph 1, if the involved person has died on an installation stationed at sea and the corpse has been brought to Dutch soil.

### **Article 1:19g Death of a person during a journey**

- **1.** In the event that a person dies on Dutch territory in a mobile vehicle or on a sailing ship or during a domestic flight in an airplane, the death certificate is drawn up by the Registrar of the municipality where the corpse leaves the vehicle, the ship or airplane or where the ship moors. That municipality is regarded to be the municipality where the involved person has died.

- **2.** In the event a person dies during a sea voyage with a vessel registered as such in the Netherlands or during an international flight in an airplane registered as such in the Netherlands, the captain of the vessel or airplane is compelled to register within 24 hours a provisional death certificate in the journal in the presence of two witnesses. The captain sends a duplicate of this provisional death certificate as soon as possible to the Registrar of the municipality of The Hague. This Registrar draws up the death certificate by means of the received duplicate, on the understanding that he, as much as possible, adds information to it that is missing and corrects data that appears to be incorrect. An extract of the certificate will be sent to all persons to whom the certificate relates.

#### **Article 1:19h Report of death**

- **1.** Every person who from his own knowledge is aware of the death of a person is entitled to report this to the Registrar.
- **2.** Within the period for burying or burning corpses as set in the Disposal of Dead Act [Wet op de lijkbezorging], the person who provides for the disposal of the dead may be authorized by a person as meant in paragraph 1 to make a report of death.
- **3.** When there are no persons at hand who are entitled to report the death to the Registrar or when they fail to make such a report within the period for burying or burning corpses set to this end in the Disposal of Dead Act [Wet op de lijkbezorging], the report of death will be made by the Mayor of the municipality where the death certificate must be drawn up.
- **4.** In the situation meant in Article 1:19f paragraph 2 and 3 the report of death is made by the assistant public prosecutor.

#### **Article 1:19i Stillborn child**

- **1.** When a child is born lifeless, a certificate is drawn up which is registered in the registers of death.
- **2.** When a child has died within the period, meant in Article 1:19e paragraph 6, before a report of its birth has been made, both this child's birth certificate and its death certificate are drawn up.
- **3.** In situations as referred to in the previous paragraphs the provisions of Article 1:19h apply accordingly with regard to making a report to the Registrar.

#### **Article 1:19j Delegation**

- **1.** All issues with regard to documents to be submitted to the Registrar, the drawing up of certificates and provisional certificates of birth and death and their content will be regulated by Order in Council.
- **2.** By Order in Council is also regulated:
  - a.** how and where the certificates of birth and death will be drawn up and will be registered in the event that this is not possible in the ordinary manner due to a prohibition of movement or as a result of other extraordinary circumstances; and
  - b.** how and where death certificates will be drawn up with respect to members of the military and other persons belonging to the armed forces and who have died in the field, in a battle, or in service of the State outside the Netherlands.

#### **Article 1:19k Issuance of a life certificate ('attestatie de vita')**

- **1.** Every person whose habitual residence is located in the Netherlands, may request the Registrar of Civil Status of his domicile to issue a life certificate ('attestatie de vita'), drawn up in accordance with Annex 1 of the Convention on the issuance of a life certificate (with annexes),

concluded at Paris on 10 September 1998 (*Treaty series 2004, 283*).

- **2.** The person applying for such life certificate ('*attestatie de vita*') has to appear in person in front of the Registrar of Civil Status of his domicile or in front of a diplomatic or consular authority empowered for this purpose on behalf of the Netherlands, unless he finds himself in a situation in which he is unable to do so. He shall prove his identity on the basis of a document as meant in Article 1 of the Compulsory Identification Act.

- **3.** The life certificate ('*attestatie de vita*') is valid for a period of six months, to be calculated as of the date of its issuance. It is exempted from the requirements of translation and attestation (validation) or any similar formal requirement.

- **4.** The life certificate ('*attestatie de vita*') is issued in the Dutch language and in the French language. Upon request, the following lists and data shall be issued at the same time as well :

**a.** the list of the code numbers appearing in the certificate and the translation thereof in the official language or in one of the official languages of the State where the life certificate

('*attestatie de vita*') is to be used, or;

**b.** the translation into the official language or one of the official languages of the Contracting Parties to the Convention mentioned in paragraph 1. The translation will be made in accordance with the terminology as specified in Annex 1 of that Convention.

- **5.** With regard to a life certificate ('*attestatie de vita*') issued in another Contracting Party to the Convention mentioned in paragraph 1 than the Netherlands, any interested person may request the Registrar of Civil Status of his domicile or a diplomatic or consular authority empowered for this purpose on behalf of the Netherlands, for the issuance of:

**a.** a translation of the code numbers into the Dutch language;

**b.** a translation of the life certificate ('*attestatie de vita*') into the Dutch language.

### ***Section 1.4.5 Subsequent marks on certificates of Civil Status***

#### **Article 1:20 Additional marks to already registered certificates**

- **1.** The Registrar adds later marks to the certificates of Civil Status in his care of certificates of Civil Status and other authentic documents concerning a choice of name, the recognition of a child, the denial of paternity by the mother, decisions with regard to a change or determination of names, confirmations of earlier options concerning the determination of names, naturalisation decrees with regard to a change or determination of names and decrees repealing such confirmations or decisions, reports of contradictory names belonging to and used in agreement with the law of another State by a person with more than one nationality, certificates concerning the end of a registered partnership or the conversion of a registered partnership in a marriage and court decisions which are at least three months old and including:

**a.** an order to change the forenames or the surname of a person, an order to change the registered gender of a person, an adoption or revocation of an adoption, the nullification of a recognition, a judicial determination of paternity, an acknowledgement or denial of paternity or a nullification of such a court decision;

**b.** the annulment of a marriage or a registered partnership or the revision of such a court decision between the spouses or registered partners whose marriage certificate or, respectively, certificate of registered partnership or certificate of conversion of a registered partnership or marriage is registered in the Dutch Registers of Civil Status.

- **2.** The Registrar also adds a later mark to the certificates Civil Status in his care of binding and final court decisions effectuating a divorce or a dissolution of a registered partnership, a dissolution of a marriage after a legal separation or the revision of such a court decision between spouses or registered partners whose marriage certificate or, respectively, certificate of

registered partnership or certificate of conversion of a registered partnership or marriage is registered in the Dutch Registers of Civil Status.

#### **Article 1:20a Other additional marks on already registered certificates**

- **1.** The later mark meant in Article 1:20, with exception of the marks meant in paragraph 1, under point (b) of that Article, and the marks related to the ending of a registered partnership as well as marks related to a conversion of a registered partnership into a marriage or of a marriage into a registered partnership, are added to the birth certificate of the person involved. A later mark of a change or determination of the surname is added as well to the birth certificates of the children of the person involved, as far as this change or determination concerns them.
- **2.** The later marks meant in Article 1:20 paragraph 1, under point (b) and paragraph 2, as well as the later marks meant in the opening words of Article 1:20 paragraph 1 related to the ending of a registered partnership and the conversion of a registered partnership into a marriage or of a marriage into a registered partnership are added to the marriage certificate or to the certificate of a registered partnership of the person involved.
- **3.** Where a person's surname changes as a result of a marriage or a divorce, this is marked on the marriage certificate as far as this change has not yet been marked in the marriage certificate itself. A later mark of this change is added as well to the birth certificate of the person involved and to the birth certificates of his children, insofar their names have been changed too.
- **4.** The Registrar adds a later mark to a certificate of notice of an intended marriage of a certificate of interruption of a marriage or a registered partnership as well as of court orders or certificates that have removed such an interruption, as far as these documents have been served by bailiff's writ on the Registrar.

#### **Article 1:20b Foreign certificates and foreign court orders**

- **1.** At the request of an interested person or of the Registrar by virtue of his office (ex officio), a later mark of certificates and court orders drawn up or given outside the Netherlands by a competent authority in accordance with the local regulations and with a corresponding effect as Dutch certificates of Civil Status, is added pursuant to Article 1:20 by the Registrar to the relevant marriage certificate, certificate of a registered partnership, certificate of the conversion of a registered partnership or marriage or birth certificate, registered already in the Registers of Civil Status, unless this would be in conflict with Dutch public order. At the request of an interested person, a later mark of a change in a surname is added as well to the birth certificates of the children of the involved person, insofar their names have been changed too.
- **2.** Where the Registrar has added a later mark to a certificate by virtue of his office (ex officio), he sends a true copy of this certificate and of the later mark to the person or persons to whom these documents relate.

#### **Article 1:20c Refusal to register a later report of foreign certificates or court orders**

Articles 1:18 and 1:18b apply accordingly to the registration of foreign certificates and court orders as referred to in Article 1:20b.

#### **Article 1:20d Delegation**

All issues with regard to documents to be submitted to the Registrar and the drawing up of later marks and their content will be regulated by Order in Council.



### **Article 1:20e Providing information to the Registrar by official bodies and notaries**

- **1.** The clerk of the court where the case was last pending sends a certified copy of the court order mentioned in Article 1:20 paragraph 1 to the Registrar of Civil Status, yet not before at least three months have passed since the day on which that court order was given.
- **2.** A true copy of decisions changing or determining names and of naturalisation decrees which include a change or determination of names is sent without delay by the Minister of Justice to the Registrar of Civil Status who keeps the birth certificate of the involved person.
- **3.** The notary who has drawn up a deed of recognition sends without delay a true copy or an extract thereof to the Registrar of Civil Status who keeps the birth certificate of the involved child.

### **Article 1:20f Providing information to the Registrar by other Registrars**

- **1.** The Registrar of Civil Status who puts the data of a certificate of a choice of name on the birth certificate sends a true copy of this certificate to the Registrar of Civil Status who has drawn up the certificate of the choice of name. This certificate is kept until eighteen months have passed since this copy was received.
- **2.** The Registrar of Civil Status who adds a later mark of a choice of name or of a recognition to the birth certificate of the involved child, sends a true copy of this birth certificate and of the later mark to the persons to whom these documents relate. He sends a true copy of these documents to the Registrar of Civil Status who has drawn up the certificate of a choice of name or of recognition. The last mentioned certificate is kept until eighteen months have passed since this copy was received or, if such a copy has not been received, until eighteen months have passed since the certificate was drawn up.

### **Article 1:20g Registration of facts in the public custody register**

The Registrar of Civil Status who has added a later mark to a birth certificate of a minor from which appears that the minor has been recognized as a child or that one of his names has been changed, reports this fact to the keeper of the public register as meant in Article 1:244 that contains legal facts regarding this minor.

**Article 1:20h** *[repealed on 01-01-1995]*

## ***Section 1.4.6 Certificates of registration of certain judicial decisions***

### **Article 1:21 Foreign marriages and foreign registered partnerships**

- **1.** The Registrar of Civil Status of the municipality of The Hague draws up certificates of registration of binding and final judicial decisions concerning marriages or registered partnerships of which the certificates or not recorded in the registers of any Dutch Register of Civil Status, which judicial decisions entail the annulment of a marriage or registered partnership, a divorce, the dissolution of a registered partnership, the dissolution of a marriage after a legal separation or the revision of such judicial decision or the ending of a registered partnership as meant in Article 1:80c, under point (c) or the revision of this ending.
- **2.** The certificates referred to in paragraph 1 are registered in the for this purpose instituted register of births, deaths and marriages at The Hague.
- **3.** Rules are set by Order in Council for everything that relates to the documents to be

submitted to the Registrar and the drawing up of certificates of registration and their content.

### ***Section 1.4.7 Evidential (probative) value of certificates of Civil Status as well as of copies and extracts of such certificates***

#### **Article 1:22 Evidential value of certificates of Civil Status**

- **1.** A birth certificate constitutes proof against everyone of the fact that at the place and on the day and hour mentioned in that certificate a child is born of a sex (gender) as indicated in that certificate from the mother mentioned as such in that certificate. Where the birth certificate indicates that the place of birth of the child is unknown, the indicated place where the child was found will have the same evidential value.
- **2.** A death certificate constitutes proof against everyone of the fact that at the place and on the day and hour, mentioned in that certificate, the person, who as such is indicated in that certificate, has died or, if this certificate was drawn up pursuant to Article 1:19f paragraph 2, that the body of the person indicated as such in that certificate was found at the place and on the day and hour as mentioned in this certificate.
- **3.** Other than that, certificates of Civil Status have the same evidential value as other authentic deeds.

#### **Article 1:22a Evidential value of authentic copies and extracts**

An authentic copy or extract of a certificate of civil status, drawn up in the legal form and issued by the authorised keeper of the relevant Register of Civil Status, has the same evidential value as the original, unless it is proved that it does not correspond with that original.

### ***Section 1.4.8 Publication of certificates of Civil Status***

#### **Article 1:23 Right of access to certificates of Civil Status**

Certificates of civil status, including original doubles thereof, are accessible for the public, insofar this Section does not provide otherwise.

#### **Article 1:23a Limited right of inspection**

Only the Public Prosecution Service and the keepers of the Registers of Civil Status are permitted to inspect the certificates which are registered in these registers. Additionally, the court and the Public Prosecution Service may order the production of these certificates.

#### **Article 1:23b True copies and extracts**

- **1.** Every person has the right to ask the Registrar, who is charged with issuing true copies and extracts from certificates of civil status, to issue an extract of a birth certificate, a marriage certificate, a certificate of a registered partnership, a certificate of the conversion of a registered partnership into a marriage or of a marriage into a registered partnership or a death certificate which is in the keeping of that Registrar. The extract contains the data to be specified for this purpose by Order in Council, but may not show the descendency of the person or person to whom the certificate relates.
- **2.** A true copy of the certificates meant in paragraph 1 or of certificates of recognition or denial

of paternity by the mother will be issued only if the applicant shows that he has a justifiable interest in receiving such a copy. Of other certificates which are kept by the Registrar meant in paragraph 1 always a true copy will be issued. This true copy contains the data to be specified for this purpose by Order in Council.

- **3.** A request for issuing an extract or true copy must relate to a specific person or to specific persons.
- **4.** Rules are set by Order in Council for everything that concerns the drawing up and the provision of extracts and true copies. This Order in Council will also set rules concerning the drawing up of extracts from certificates which were drawn up before Book 1 of the Dutch Civil Code entered into force.
- **5.** Where the Registrar meant in paragraph 1 refuses to issue an extract or true copy, he will hand over to the applicant a written statement indicating the grounds for this refusal.

#### **Article 1:23c The making of original doubles**

The original doubles of the certificates of civil status are, with due observance of the statutory provisions of this Section, accessible for the public as long as they are in the keeping of the Registrar.

### ***Section 1.4.9 Additions to the Registers of Civil Status and corrections of the certificates and later marks registered there***

#### **Article 1:24 Additions and corrections**

- **1.** At the request of an interested person or of the Public Prosecution Service the District Court may order that a missing certificate or later mark is added to the Registers of Civil Status or that a wrongly registered certificate or later mark is removed from it or that a registered certificate or later mark which is incomplete or faulty is corrected. The District Court may in its decision to correct a registered certificate or later mark that is incomplete or faulty, order that the same correction must be made to certificates or later marks concerning the same person or his descendants that are registered in the Registers of Civil Status outside the court's territorial jurisdiction.
- **2.** The clerk of the court before which the case was pending last, sends a true copy of the judicial decision to the Registrar of Civil Status of the municipality in whose registers the certificate or later mark is or should have been registered, yet not before at least three months have passed since the day on which the relevant judicial decision was given. When this municipality has been dismantled, the Registrar sends a true copy to the Registrar of Civil Status of the municipality in whose archives the Registers of Civil Status of the dismantled municipality are kept.

#### **Article 1:24a Mistakes and writing or spelling errors**

- **1.** Obvious mistakes may be corrected with authorisation of the public prosecutor within whose judicial territory the certificate has been registered in the Registers of Civil Status. The authorisation of the public prosecutor may also serve as an authorisation to make the same correction to certificates concerning the same person or his descendants that are registered in the Registers of Civil Status outside the public prosecutor's judicial territory.
- **2.** Obvious writing or spelling errors may be corrected by the Registrar of Civil Status by virtue of his office (*ex officio*).

### **Article 1:24b Implementation of additions, corrections and removals**

- **1.** Additions to a register of civil status made pursuant to Article 1:24 are implemented by means of drawing up a new certificate for that register.
- **2.** Where a correction or removal has been ordered pursuant to this Section, a later mark of it shall be added to the relevant certificate, according to the rules set by Order in Council.

### **Section 1.4.10 Registration of foreign certificates and the judicial order to draw up a substitute birth certificate**

#### **Article 1:25 Registration of foreign certificates**

- **1.** Birth certificates, marriage certificates, certificates of a registered partnership and death certificates, drawn up outside the Netherlands by a competent authority in accordance with the local regulations, are registered by instruction of the Public Prosecution Service or at the request of an interested person in the registers of births, marriages, registered partnerships or death of the municipality of The Hague, if:
  - a.** the certificate concerns a person who at the moment of the application has the Dutch nationality or who, at any time, has had the Dutch nationality or, although not being of Dutch nationality, has once been an official citizen of the Netherlands;
  - b.** the certificate concerns a person who lawfully resides in the Netherlands pursuant to Article 8, under point (c) and (d) of the Aliens Act 2000.
- **2.** Birth certificates drawn up outside the Netherlands by a competent authority in accordance with the local regulations are registered on instruction of the Public Prosecution Service or at the request of an interested person in the register of births of the municipality of The Hague, if the birth certificate concerns a person of foreign nationality and a later mark must be added to the birth certificate pursuant to a statutory provision of Book 1 of the Dutch Civil Code.
- **3.** The Registrar of Civil Status of the municipality of The Hague may register the certificates meant in the previous paragraphs also by virtue of his office (*ex officio*).
- **4.** Before the Registrar of Civil Status of the municipality of The Hague pursuant to paragraph 3 or 4 registers a marriage certificate or a certificate of a registered partnership, he must receive a declaration as referred to in Article 44 paragraph 1 under point (k) of the Aliens Act 2000 from the chief of police as defined in that Act. This declaration will be drawn up at the request of the spouse or the registered partner to whom it relates. Together with the request a certified copy as meant in Article 44 paragraph 1, under point (a) of the Aliens Act 2000, must be submitted. Where the person making the request has no domicile in the Netherlands, this declaration will be drawn up at the request of the other spouse or registered partner. A declaration as meant in the previous sentences is not required if:
  - a.** the spouses or registered partners have made plausible that they both have a domicile outside the Netherlands;
  - b.** the concerned spouse or registered partner does not have the Dutch nationality, but resides lawfully in the Netherlands pursuant to Article 8, under point (b), (d) or (e) of the Aliens Act 2000;
  - c.** the marriage or registered partnership has been entered into at least ten years prior to the registration, or
  - d.** the marriage or registered partnership has ended.
- **5.** In the event of an adoption the District Court allowing the adoption will of its own motion order separately the registration of a birth certificate as meant in paragraph 1 and 2.
- **6.** The certificate of registration contains the data required for this purpose according to the applicable Order in Council.
- **7.** Obvious mistakes or obvious writing or spelling errors in a to be registered certificate,

detected by the Registrar of Civil Status of the municipality of The Hague on the basis of a certificate which already has been registered in a Dutch register of civil status or on the basis of a judicial decision, may be corrected by him by virtue of his office (ex officio). These corrections are mentioned separately in the certificate.

- **8.** If the Registrar of Civil Status of the municipality of The Hague has registered a certificate by virtue of his office (ex officio), then a true copy of this certificate is sent to the person or persons to whom it relates.

#### **Article 1:25a Corrections of obvious mistakes in foreign certificates**

- **1.** If a foreign certificate has been registered in the Registers of Civil Status of the municipality of The Hague and afterwards an obvious mistake in this certificate has been corrected outside the Netherlands by a competent authority in accordance with the local regulations, then the Registrar of Civil Status of the municipality of The Hague, to whom a true copy of the decision to make a correction and a true copy of the certificate are submitted, will make this correction also in the certificate of registration by adding a later mark of the correction to the certificate of registration, yet not before he has obtained the required authorisation of the public prosecutor to do so.

- **2.** If a foreign certificate has been registered in the registers civil status of the municipality of The Hague and afterwards obvious writing or spelling errors in this certificate have been corrected outside the Netherlands by a competent authority in accordance with the local regulations, then the Registrar of Civil Status of the municipality of The Hague is entitled, by virtue of his office (ex officio), thus without authorisation of the public prosecutor, to make a correction in the way as indicated in paragraph 1 on the basis of a true copy of the corrected certificate.

#### **Article 1:25b Later marks added to a certificate of registration**

Later marks which pursuant to Book 1 of the Dutch Civil Code have to be added to a birth certificate, marriage certificate or death certificate, drawn up in the Netherlands, are added to the certificate of registration as meant in Article 1:25.

#### **Article 1:25c Establishing of data which are necessary to draw up a substitute birth certificate**

- **1.** If for a person who is born outside the Netherlands no birth certificate has been drawn up by a competent authority in accordance with the local regulations or if it is impossible to submit such a certificate, then the District Court of The Hague may, at the request of the Public Prosecution Service, of an interested party or of the Registrar of Civil Status of the municipality of The Hague, establish which data are necessary in order to draw up a birth certificate, if:

**a.** that person has the Dutch nationality or, at any time, has had the Dutch nationality or, although not being of Dutch nationality, has once been an official citizen of the Netherlands;

**b.** that person resides lawfully in the Netherlands pursuant to Article 8, under point (c) and (d), of the Aliens Act 2000;

**c.** a later mark must be added to the birth certificate pursuant to the statutory provisions of Book 1 of the Dutch Civil Code.

- **2.** The District Court shall take into account all evidence and all indications which concern the circumstances under which and the moment on which the involved person must have been born. The surname, the forenames and the place and day of birth of the father and of the mother are determined, as far as to this end indications have been obtained.

- **3.** In the event of the adoption of a child the District Court allowing the adoption, will of its own

motion give a separate court order as meant in paragraph 1.

#### **Article 1:25d Correction of incorrect or incomplete data**

The District Court of The Hague may, at the request of the Public Prosecution Service, of an interested person or of the Registrar of Civil Status of the municipality of The Hague, order a correction of a court order that has been given pursuant to Article 1:25c, on the ground that the established data are incorrect or incomplete.

#### **Article 1:25e** *[repealed on 01-04-1995]*

#### **Article 1:25f Certificate of registration on the basis of a court order to establish the necessary data for a subsequent birth certificate**

- **1.** The clerk of the court before which the case was pending last, sends a true copy of the court order to the Registrar of Civil Status of the municipality of The Hague, yet not before at least three months have passed since the day on which the relevant court order was given.
- **2.** On the basis of the court order meant in Article 1:25c, the Registrar mentioned in the previous paragraph will draw up a certificate of registration, which will be a birth certificate in the meaning of Article 1:19.
- **3.** Where a court order has been given pursuant to Article 25d, a later mark of it will be added to the certificate meant in the previous paragraph.

#### **Article 1:25g Applicability of the statutory provisions of this Section**

- **1.** Articles 1:25 up to and including 1:25b apply accordingly to certificates and judicial decisions made outside the Netherlands in accordance with the local regulations by a competent authority. The registration meant in Article 1:25 does not take place if this would be in conflict with Dutch public order.
- **2.** In the event of an adoption of a child who was born outside the Netherlands and with regard to whom a certificate or judicial decision as meant in the previous paragraph has been made, the District Court allowing the adoption will of its own motion order separately the registration of this certificate or judicial decision.

### ***Section 1.4.11 Declaratory judgment on the legal validity of foreign certificates or court orders in the Netherlands***

#### **Article 1:26 Declaratory court order**

- **1.** Every person with a justified interest may request the District Court to give a declaratory court order about a certificate or court order, related to him, drawn up or given outside the Netherlands by a competent authority in accordance with the local regulations, which according to its legal characteristics is suitable to be registered in a Dutch register of civil status
- **2.** A declaratory court order as meant in paragraph 1 may be given also upon the request of a Registrar of Civil Status or the Public Prosecution Service.

#### **Article 1:26a Later marks**

When giving a declaratory court order as meant in Article 1:26 paragraph 1, the District Court may, upon request or of its own motion, order as well on the basis of Article 1:24 paragraph 1 that a later mark is added to a certificate which already has been registered in a Dutch register

of civil status.

#### **Article 1:26b No certificate present in a Dutch Register of Civil Status**

Where in relation to the applicant no certificate is registered in a Dutch register of a civil status, the District Court of The Hague may, upon request or of its own motion, order also in its court order the registration in accordance with Article 1:25 in the Registers of Civil Status of the municipality of The Hague of a to this end suitable certificate, which was drawn up abroad, and the correction of a certificate of registration on the basis of Article 1:24 paragraph 1. In its court order the District Court may give as well an order as referred to in Article 1:25c and an order to make a correction in accordance with Article 1:24 paragraph 1 of a certificate to be drawn up by the Registrar of Civil Status of the municipality of The Hague.

**Article 1:26c** *[repealed on 01-04-1995]*

#### **Article 1:26d Authentic duplicate of a foreign certificate or court order**

The District Court may demand the submission of an authentic duplicate of the foreign certificate or court order to which the request is related. Article 986, third and fourth paragraph, of the Code of Civil Procedure applies accordingly.

#### **Article 1:26e Providing information to the Registrar by the court's clerk**

The clerk of the court before which the case was pending last, sends a true copy of the court order to the Registrar of Civil Status in whose register a certificate in relation to the interested person is registered and to which a later mark of the court order must be added. Where the court order includes an order to register a certificate which has been drawn up abroad, the clerk sends a true copy of this court order to the Registrar of Civil Status of the municipality of The Hague.

**Article 1:26f** *[repealed on 01-04-1995]*

### ***Section 1.4.12 Legal remedy against a refusal to draw up a certificate of Civil Status or to perform another act***

#### **Article 1:27 Remedy against a refusal of the Registrar**

If the Registrar of Civil Status has decided to refuse to draw up a certificate pursuant to Articles 1:18b or 1:20c, or to add a later report to a certificate or to cooperate in the performance of any other act, not related to an objection to a marriage or registered partnership on the basis of an impediment nor to the issuance of a true copy or extract, then any interested person may, within six weeks after the Registrar has released his decision, present a petition to the District Court within whose district the office of the Registrar is located.

#### **Article 1:27a Additional orders of the District Court**

In its court order the District Court may, upon request or of its own motion, give also a declaratory order as referred to in Article 1:26 as well as an order as meant in Article 1:26a or Article 1:26b.

### **Article 1:27b Providing information to the interested parties and the Registrar by the court's clerk**

The clerk of the court sends a true copy of the court order to the interested parties and to the Registrar of Civil Status.

**Article 1:27c** *[repealed on 01-04-1995]*

## **Section 1.4.13 Court order to change the description of gender on the birth certificate**

### **Article 1:28 Transsexuality and a change of the birth certificate**

- **1.** Every person of Dutch nationality who is convinced he is of another gender than marked on his birth certificate and who is physically adjusted to the desired gender insofar this is possible and acceptable from a medical and psychological point of view, may request the District Court to order a change of the description of his gender on his birth certificate, if this person is marked on the birth certificate as a male and he is definitely incapable of procreating children or if he is marked on his birth certificate as a female and he is definitely incapable of giving birth to children.
- **2.** For the purpose of the provisions of paragraph 1 and of Articles 1:28a and 1:28b a birth certificate includes a certificate of registration of a birth certificate drawn up outside the Netherlands or of a court order as meant in Article 1:25c.
- **3.** A person not of Dutch nationality may file a request referred to in paragraph 1 if he has a valid residence permit and he has his domicile in the Netherlands for at least one year before filing the request, provided that he meets all other requirements of paragraph 1. If his birth certificate is not registered in the Netherlands in a register of civil status, the District Court must be requested also to order the registration of the birth certificate in the register of births of the municipality of The Hague.

### **Article 1:28a Content of the petition and the presentation of an expert report**

- **1.** When filing the request referred to in the previous Article the following documents must be submitted at the same time:
  - a true copy of the birth certificate;
  - an expert report, collectively signed by experts designated for this purpose by Order in Council, which report has been issued at the latest six months before the date on which the request was filed, and from which appears:
    - a.** the conviction of the applicant that he is of another gender than the one described in his birth certificate and the opinion of a to this end skilled expert that this conviction may be regarded as being permanent, considering the period in which the applicant has lived as such and, where possible, other facts and circumstances to be mentioned in this respect;
    - b.** whether, and if so, to what extent the applicant has been adjusted physically to the desired gender insofar this is possible and acceptable from a medical and psychological point of view;
    - c.** that the applicant, if he is marked on the birth certificate as a male, is definitely incapable of procreating children or, if he is marked on the birth certificate as female, is definitely incapable of giving birth to children.
- **2.** It is not necessary to include the part meant in paragraph 1 under point (a) in the expert



report if the applicant already has been adjusted physically to the desired gender.

#### **Article 1:28b Honouring the request**

- **1.** The request will be honoured if the District Court is of the opinion that it has been established sufficiently that the applicant has the conviction to be of another gender than the one described on his birth certificate and that this conviction may be regarded as being permanent and the applicant meets all requirements of Article 1:28 paragraph 1.
- **2.** If the District Court honours the request to change the description of gender on the birth certificate, it may, if asked for, also order a change of the forenames of the applicant.

#### **Article 1:28c Legal effects of a legal gender change**

- **1.** A change of the description of gender shall have the legal effects arising from Book 1 of the Civil Code as from the day on which the Registrar of Civil Status adds a later mark to the birth certificate of the court order to make that change.
- **2.** The change of the description of gender shall not affect the familial relationships existing on the date referred to in paragraph 1, nor any rights, powers and duties resulting from Book 1 of the Civil Code on account of these familial relationships. Requests in relation to Article 1:157 and Article 1:394 may be made also after the date referred to in paragraph 1.

### ***Section 1.4.14 Advisory Commission on matters of civil status and nationality***

#### **Article 1:29 Advisory Commission**

There is an Advisory Commission for matters concerning civil status and nationality.

#### **Article 1:29a Composition of the Advisory Commission**

- **1.** The Advisory Commission consists of at least nine and at the most fifteen members.
- **2.** The Advisory Commission shall at least include one member of the judiciary, one member from the world of academic research, two members from the Registers of Civil Status and two members from the Municipal Personal Records Database
- **3.** The Minister of Justice appoints and discharges the members meant in the previous paragraph in agreement with the Minister of Internal Affairs. Additionally, he appoints the Chairman and Secretary.

#### **Article 1:29b Duties of the Advisory Commission**

- **1.** Upon the request of a Registrar of Civil Status or of another public body the Advisory Commission shall give advice on questions related to the application of law in matters of civil status and nationality.
- **2.** If an advice is of general interest, it shall be made public. The Advisory Commission shall determine the way of publication.

#### **Article 1:29c Situations in which a Registrar must seek advice of the Advisory Commission**

If a Registrar of Civil Status has a legitimate doubt as to the question if a data derived from a certificate, drawn up outside the Netherlands, or from another document is suitable to be

reported in a certificate of civil status, then he is compelled to ask the Advisory Commission of advice.

**Article 1:29d Registrar not following the advice of the Advisory Commission**

Where a Registrar of Civil Status does not follow the advice of the Advisory Commission, he informs the Advisory Commission and the public prosecutor of this.

**Article 1:29e Delegation**

The Minister of Justice may issue further rules with regard to the duties and working procedure of the Advisory Commission.

**Article 1:29f Review of the work of the Advisory Commission every four years**

Every four years the Advisory Commission presents a report to the Ministry of Justice which includes the results of a study of the way in which it has fulfilled its duties and which may include proposals for desired changes.

[prior Title]

[next Title]