

PUBLIC ASSEMBLIES ACT

Act of 20 April 1988, Bulletin of Acts and Decrees 157, containing provisions concerning the exercise of the right to profess a religion or belief and of the right of assembly and demonstration, as last amended by Act of Parliament of 22 June 1994, Bulletin of Acts and Decrees 573

[Entry into force: 27-04-1988]

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

Greetings to all who shall see or hear these presents! Be it known:

Whereas we have considered it necessary, having regard to articles 6 and 9 and additional articles III and V of the Constitution, to lay down statutory provisions concerning the exercise of the right to freely profess a religion or belief and concerning the exercise of the right of assembly and demonstration, and also to amend or repeal certain Acts;

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

Public Assemblies Act

Section I

§ I. Definitions

Section 1

[Public place]

1. In this Act, 'public place' shall mean: a place open to the public by virtue of its intended or established use.
2. 'Public place' shall not include buildings or enclosed places as referred to in article 6 (2) of the Constitution.

§ II. Provisions for public places

Section 2

[Use of restrictive powers]

The powers to restrict the right to profess a religion or belief and the right of assembly and demonstration, as conferred on government bodies by or pursuant to the provisions of this division, may be exercised only to protect health, in the interest of traffic and to combat or prevent disorder.

Section 3

[Municipal council lays down rules by ordinance concerning cases in which prior notification is required]

1. The municipal council shall lay down rules by ordinance concerning the cases in which prior notification is required of assemblies for the profession of a religion or belief in public places.
2. A one-off notification shall suffice for assemblies as referred to in subsection 1 which recur periodically at predetermined times and are organised by a religious organisation, an independent part thereof or another spiritual organisation.
3. The ordinance shall in any event contain:
 - a. rules concerning the cases in which the person intending to hold an assembly is required to give written notification;
 - b. rules concerning when notification must be given, the details to be provided, and the issuing of a receipt to the person giving the notification.
4. No details shall be requested about the religion or belief to be professed.

Section 4

1. The municipal council shall lay down rules by ordinance concerning cases in which prior notification is required of meetings and demonstrations in public places.
2. The ordinance shall in any event contain:
 - a. rules concerning the cases in which the person intending to hold a meeting or demonstration is required to give written notification;

b. rules concerning when notification must be given, the details to be provided and the issuing of a receipt to the person giving the notification.

3. No details shall be requested about the thoughts or feelings to be expressed.

Section 5

[Mayor may impose conditions and restrictions or a prohibition]

1. The mayor may impose conditions and restrictions or a prohibition after receiving a notification.

2. A prohibition may be imposed only if:

- a. the required notification was not given on time;
- b. the required details were not provided on time;
- c. one of the interests referred to in section 2 so requires.

3. A condition, restriction or prohibition may not relate to the religion or belief to be professed, or the thoughts or feelings to be expressed.

4. The person who gave the notification shall be informed of decisions as referred to in subsection 1 as quickly as possible.

Section 6

[Instructions by mayor]

During an assembly for the profession of a religion or belief, or a meeting or demonstration, the mayor may issue instructions which the persons holding or participating in them must observe.

Section 7

[Mayor may order the assembly to end]

The mayor may order the persons holding or participating in an assembly for the profession of a religion or belief, or a meeting or demonstration to end it and disperse forthwith, if:

- a. the required notification has not been given or a prohibition has been imposed;
- b. a condition, restriction or instruction has been infringed;
- c. one of the interests referred to in section 2 so requires.

§ III. Provisions for non-public places

Section 8

[Order to end a meeting or demonstration]

1. The mayor may order persons holding or participating in a meeting or demonstration open to the public in a non-public place to end it and disperse forthwith, if the protection of health or the combating or prevention of disorder so requires.

[Access to meetings and demonstrations]

2. The mayor and persons to be designated by him shall have access to the meetings and demonstrations referred to in subsection 1. If necessary, they shall obtain access with the help of the police.

§ IV. Special provisions

Section 9

[Assemblies near buildings of the International Court of Justice, embassies, consulates or international organisations]

1. Those who hold or participate in an assembly for the profession of a religion or belief, or a meeting or demonstration in the vicinity of a building used by the International Court of Justice or a diplomatic or consular mission shall refrain from any conduct that may affect the way the organisation in question functions.

2. To prevent conduct as referred to in subsection 1, the mayor may, during an assembly for the profession of a religion or belief, or a meeting or demonstration, issue instructions that those holding or participating in them must observe.

3. If an instruction as referred to in subsection 2 is infringed, and the circumstances so require, the mayor may order persons holding an assembly for the profession of a religion or belief, or a meeting or demonstration to end it and disperse forthwith.

4. The provisions of subsection 1 to 3 shall apply *mutatis mutandis* with respect to buildings used by international organisations, if the

Netherlands has assumed an obligation to protect the organisations similar to its obligation with respect to the organisations referred to in subsection 1.

5. A list of buildings as referred to in subsection 4 shall be published by Our Minister of the Interior and Our Minister of Foreign Affairs in the Government Gazette.

Section 10

[Bell ringing]

Bell ringing on the occasion of religious or belief-related ceremonies, including funeral ceremonies, and calls to profess a religion or belief shall be permitted. The municipal council shall be authorised to lay down rules in this regard concerning duration and noise level.

§ V. Penal provisions

Section 11

[Penal provisions]

1. The following shall be punishable by a term of detention not exceeding two months or a second-category fine:

- a. holding or participating in an assembly for the profession of a religion or belief, or a meeting or demonstration for which the required notification has not been given or which has been prohibited;
- b. infringement of a condition or restriction as referred to in section 5 (1), an instruction as referred to in section 6 and section 9 (2), or an order as referred to in section 7, section 8 (1) and section 9 (3).

2. Such conduct shall constitute a minor offence.

Sections II-III

Contain amendments to other legislation.

Religious Organisations Act

Section IV

[Repeal of legislation]

The Act of 10 September 1953, Bulletin of Acts and Decrees 102, regulating the supervision of the various religious organisations shall be repealed.