

Week 7 Rechtspraak

Literatuur

- *Staatsrecht*, nrs. 156-164 en 169-175

Jurisprudentie

- HR 31 december 1915 (*Guldemond/Noordwijkerhout*) **Burgerlijke rechter is bevoegd als iemand zich op OD beroept**
- HR 27 januari 1961 (*Van den Bergh/Staat*)
- HR 14 april 1989 (*Harmontisatiwet*)
- HR 28 februari 1992 (*Changoe*) **Zolang er beroep mogelijk is bij de bestuursrechter mag de burgerlijke rechter niet de zaak behandelen**
- HR 21 maart 2003 (*Waterpakt*)

Leerdoelen

- De hoofdlijnen van de inrichting van de rechtsprekende macht uitleggen;
- De waarborgen voor de onafhankelijkheid en onpartijdigheid van de rechter uitleggen;
- De normenhierarchie en toetsingsverboden toepassen;
- De regels over toegang tot de bestuursrechter en burgerlijke rechter toepassen.

Vergeet ook de digitale toets (Canvas) niet

Oefenvragen (maken voor werkcollege)

1. Welke grondwettelijke en andere wettelijke bepalingen beschermen de onafhankelijkheid van de Nederlandse rechter?
De grondwet heeft het over de rechtspositionele onafhankelijkheid van de rechter in artikel 117 en 118
 - Benoemingprocedure voor de leden van de Hoge Raad, artikel 118 lid 1
 - Benoeming voor het leven, artikel 117 lid 1
 - Schorsing of ontslag door een bij de wet aangewezen, tot de rechterlijke macht behorende gerecht, artikel 117 lid 3
 - Rechtspositie is bij de wet geregeld, artikel 117 lid
 - Het geheim van de raadkamer, artikel 7 lid 3 en artikel 13 RO
 - Artikel 96 RO
2. In 2003 bepaalde het EHRM in een zaak tegen Nederland dat het adviseren en daarna rechtspreken door dezelfde personen in dezelfde zaak strijd kan opleveren met artikel 6 lid 1 EVRM.
 - a. Welk onderscheid maakt het EHRM tussen rechterlijke onafhankelijkheid en rechterlijke onpartijdigheid?
Bij de onafhankelijkheid hecht het EHRM aan institutionele waarborgen tegen inmenging door de uitvoerende macht of door de partijen in een zaak:
 - De wijze van benoeming
 - De benoemingstermijn
 - De waarborgen tegen druk van buitenaf, in het bijzonder bescherming tegen ontslag
 - De indruk naar buiten

Ontwerpen Van Notarieele Akten Rechtspraak En Literatuur Aflevering

L Cohen



Ontwerpen Van Notarieele Akten Rechtspraak En Literatuur Aflevering :

Nederlandsche staatscourant ... ,1911 **Weekblad voor privaatrecht, notaris-ambt en registratie** ,1923
Rechtsgeleerd magazin Themis ,1948 **Weekblad van het recht** ,1878 **Nieuwsblad Voor Den Boekhandel**
,1899 With 1855 1927 are issued and bound *Handelingen van de algemeene vergadering* *Verzamelde werken van prof.*
mr.A. A. H. Struycken, onder leiding van mr. J. Oppenheim ... Antonius Alexis Struycken,1925 **Indisch weekblad van**
het recht ,1887 *Ontwerpen van notarieele akten* J. P. W. Schermer,J. G. Klaassen,Pieter Jacobus Albert
Adriani,Constantijn Marinus Böhlingk,G. J. H. Kuyk,C. Punt,Arend Mijs,Jannes Eggens,A. W. J. van Vrijberghe de
Coningh,Henri François Reinier Dubois,1893 *Ontwerpen van notarieele akten* J. P. W. Schermer,G. J. H. Kuyk,J.
Eggens,A. Moll,1917 *Ontwerpen van notariële akten* J. P. W. Schermer,1933 **Ontwerpen van notariële akten** J. P.
W. Schermer,1948 **Ontwerpen van notarieele akten** ,1936 **Ontwerpen van notariële akten** ,1905
Ontwerpen van notarieele akten: deel. (I-II) Ontwerpen van notarieele akten met betrekking tot het tweede boek van het
burgerlijk wetboek, herzien door G.J.H. Kuyk en C. Punt J. P. W. Schermer, **Ontwerpen van notarieele akten: deel.**
Bevattende de ontwerp-akten met betrekking tot de Wet op het notarisambt en het eerste boek van het Burgerlijk
wetboek, herzien door C.M. Böhlingk J. P. W. Schermer,1923 *Ontwerpen van notarieele akten* J. P. W.
Schermer,1936 *Ontwerpen van notariële akten* J. P. W. Schermer,J. G. Klaassen,Pieter Jacob Albert Adriani,Adriaan
Anton Moll,J. G. Veenenbos,P. J. Dam,1905 **Ontwerpen van notarieele Akten** J. P. W. Schermer,G. J. H. Kuyk,H. F. R.
Dubois,1923 *Ontwerpen van notarieele akten: deel. (I-II) herzien door A.W.J. van Vrijberghe de Coningh* J. P. W.
Schermer,1934 *Ontwerpen van notarieele akten: deel. herzien door H.F.R. Dubois en J. Jurgens* J. P. W. Schermer,

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