

GENERAL ADMINISTRATIVE LAW ACT

ENGLISH TRANSLATION OF DIVISION 3.4 AND OTHER SECTIONS

Division 3.4 Uniform public preparatory procedure

Section 3:10

1. This division applies to the preparation of decisions if it is so provided by law or by decision of the administrative authority.
2. Unless otherwise provided by law or by decision of the administrative authority, this division does not apply to the preparation of decisions refusing an application to revoke or amend a decision.
3. Division 4.1.1 also applies to decisions other than individual decisions if they are taken on application and prepared in accordance with this division.
4. If this Division applies to the preparation of a decision, subsection 4.1.3.3 does not apply.

Section 3:11

1. The administrative authority shall deposit for inspection the draft decision, together with the relevant documents which are reasonably necessary to be able to assess the draft.
2. Section 10 of the Government Information (Public Access) Act applies *mutatis mutandis*. If certain documents are not deposited for inspection under these provisions, this shall be stated.
3. The administrative authority shall provide a copy of the documents deposited for inspection at no more than cost price.
4. The documents shall be available for inspection during the period referred to in Section 3:16.1.

Section 3:12

1. Before the documents are deposited for inspection, the administrative authority shall publish a notice of the draft decision in one or more daily or weekly newspapers or free local papers or in another suitable manner. Only the substance of the draft decision need be stated.
2. If the decision is by an authority forming part of the central government, the notice shall in any case be published in the Government Gazette, unless otherwise provided by law.
3. The notice shall contain the following information:
 - a. where and when the documents will be available for inspection;
 - b. who will be given an opportunity to express a view;
 - c. how they can do so;
 - d. if Section 3:18.2 applies, the time limit within which the decision will be taken.

Section 3:13

1. If a decision will be addressing one or more interested parties, the administrative authority shall send them – including the applicant – the draft decision before depositing it for inspection.
2. Section 3:12.3 applies *mutatis mutandis*.

Section 3:14

1. The administrative authority shall add any new relevant documents and information to the documents deposited for inspection.
2. Paragraphs 2 to 4 of Section 3:11 apply *mutatis mutandis*.

Section 3:15

1. Interested parties may express their views on a draft decision to the administrative authority either in writing or orally, at their option.
2. It may be provided by law or by the administrative authority that other parties must also be given the opportunity to express their views.
3. In the case of a decision to be taken on application, the administrative authority shall, if necessary, give the applicant the opportunity to comment on the views that have been expressed.
4. In the case of a decision to amend or revoke a decision, the administrative authority shall, if necessary, give the person addressed by the decision to be amended or revoked the opportunity to comment on the views that have been expressed.

Section 3:16

1. The time limit for expressing views and producing a report as referred to in division 3.3 is six weeks, unless a longer period is provided by law.
2. The time limit commences on the day on which the draft decision is deposited for inspection.
3. Sections 6:9, 6:10 and 6:15 apply *mutatis mutandis* to views expressed in writing.

Section 3:17

The administrative authority shall keep a record of views expressed orally pursuant to Section 3:15.

Section 3:18

1. In the case of a decision on application, the administrative authority shall take the decision as soon as possible, but no later than six months after receiving the application.
2. If an application concerns a highly complicated or controversial matter, the administrative authority may, within eight weeks of receiving the application, extend the time limit referred to in paragraph 1 by a reasonable period before depositing a draft decision for inspection. Before deciding to extend the time limit the administrative authority shall give the applicant the opportunity to express his views on such extension.
3. Notwithstanding paragraph 1, the administrative authority shall take the decision within twelve weeks of depositing the draft for inspection, if it is a decision:
 - a. concerning the revocation of a decision;
 - b. concerning the amendment of a decision and the application was made by a person other than the person addressed by the decision to be amended.
4. If no views have been expressed, the administrative authority shall publish notice of this fact in the manner referred to in paragraphs 1 and 2 of Section 3:12 as soon as possible after the time limit set for expressing views has expired. Notwithstanding the provisions of paragraph 1 or paragraph 3, the administrative authority shall in this case take the decision within four weeks after the expiry of the time limit set for expressing views.

[...]

Section 6:13

No application for judicial review by an administrative court may be made by an interested party who can reasonably be held responsible for not having stated his views as referred to in section 3:15, or not having lodged an objection to or an application for administrative review of the original decision.

[...]

Section 6:23

1. If an application for review lies against the decision on the objection or appeal lies against the decision on the application for review, notice of this shall be given when that decision is published.
2. In such cases, it shall also be stated who is entitled to apply for review or to appeal, within what time limit and to what authority.