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National Ordinance of (date) containing rules regarding the establishment of a Gambling Authority and the regulation of games of chance (Gambling Ordinance)

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IN THE NAME OF THE KING!

THE GOVERNOR of Sint Maarten,

Having considered:

that it is desirable to introduce new legal provisions concerning games of chance and to incorporate them into a single national ordinance;

that it is desirable to promote the quality and integrity of enterprises that offer the opportunity to participate in games of chance;

that the existing rules regarding the supervision of compliance by these companies are inadequate and that it is therefore necessary to strengthen and expand the current regulations;

that gambling addiction will be prevented as much as possible and that consumers who participate in games of chance will be better protected;

that efforts to combat money laundering and terrorist financing will be strengthened;

that it is desirable to establish an independent administrative body responsible for supervising and enforcing the regulations set forth in this national ordinance;

Having heard the Advisory Council, and by common consent of Parliament, has enacted the following national ordinance:

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CHAPTER 1 Definitions

Article 1

For the purposes of this national ordinance and the provisions based thereon, the following definitions apply:

a. “applicant”: a legal entity as referred to in Article 2, paragraph 3;

b. deputy director: the deputy director of the Gambling Authority, as referred to in Article 51, paragraph 6;

c. casino: a space open to the public where games of chance may be played using gambling facilities or slot machines;

d. commercial lotteries: lotteries intended to promote trade and in which participation is free of charge;

e. Director: the Director of the Gambling Authority, as referred to in Article 51, paragraph 1;

f. game of chance: a game that offers the opportunity to compete for prizes, bonuses, or goods, and in which the winners are determined by a chance factor over which the participants have no significant influence;

g. Gambling Authority: the Gambling Authority referred to in Article 50, paragraph 1;

h. inspection body : an independent expert body designated by the director, specializing in the inspection of games of chance and the mechanical or electronic equipment used in connection therewith;

i. scratch lottery: a lottery in which the symbols, letters, numbers, or amounts preprinted on the tickets are covered by an opaque film and are scratched off by the participants, whereby it becomes immediately clear upon comparison whether a prize or award has been won;

j. vulnerable groups: which include, at a minimum, minors, young adults between the ages of eighteen and twenty-four, players with an intellectual disability, and players with a gambling addiction;

k. lottery: a lottery in which participants select or predict one or more numbers, letters, or other symbols from a predetermined set of numbers, letters, or other symbols, after which a drawing determines which numbers, letters, or other symbols are drawn;

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l. Minister: the minister responsible for gambling affairs;

m. number lottery: a lottery designed to have participants predict a combination of numbers, whereby the winning combination is determined by a drawing;

n. gambling machine: a device for playing a game of chance, other than a game of chance on internet, consisting of a mechanical, electrical, or electronic process activated by the player, whereby the result may lead to the immediate or delayed payout of prizes or rewards, including the right to continue playing for free;

o. gaming device: a device for playing a game of chance in a casino, other than a gambling machine;

p. drawing: the selection of one or more winning tickets using a drawing machine approved by the Gambling Authority;

q. license holder: a holder of a license to organize and operate games of chance;

r. Point of sale: a space or location from which the license holder sells lottery tickets with the director's permission.

s. seller: a person who sells lottery tickets from an authorized point of sale and has entered into an agreement with the license holder for that purpose;

t. money laundering: conduct criminalized under Title XXXI of Book Two of the Penal Code.

CHAPTER 2 General Provisions

Article 2 License

1. It is prohibited to organize or operate games of chance in or from Sint Maarten without a license granted pursuant to this national ordinance.

2. The prohibition in the first paragraph does not apply to the organization and operation of the "Landsloterij" , commercial lotteries, and small games of chance as referred to in Article 48, paragraph 4.

3. A license to organize and operate games of chance is granted exclusively to legal entities established in Sint Maarten.

4. The license holder shall offer the licensed games of chance exclusively through a bank account at a bank established in Sint Maarten.

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5. A license holder must maintain a website. The website must provide information on gambling addiction, consumer protection, and the games of chance offered, including the drawing procedure and rules of the game. The term “rules of the game” also includes rules regarding the distribution of prizes, bonuses, or goods.

6. A license holder must also provide the information referred to in the preceding paragraph at the location where games of chance are organized.

7. A license granted under this national ordinance may not be transferred, leased, or subcontracted in any manner or form.

8. The license is granted for a maximum term of five years and may be renewed each time for a maximum term of five years.

9. The license to organize and operate games of chance may be subject to conditions related to the responsible, reliable, and verifiable organization of the games of chance to be organized. These conditions may be amended or supplemented.

10. Further rules regarding the organization and operation of commercial lotteries shall be established by ministerial regulation. These further rules shall, in any case, address the use of personal data, the selection of winners, the awarding of prizes, marketing and promotion, and the prohibition on participation by minors.

Article 3: Reliability and Suitability of the license holder

1. The reliability and suitability of the license holder , of the persons who determine or help determine its policy, and of its ultimate stakeholders are beyond doubt.

2. In assessing the reliability and suitability of the persons referred to in the first paragraph, the director shall, in any case, take the following aspects into account:

a. whether the integrity and suitability of the applicant, the persons who determine or help determine its policy, and its ultimate beneficial owners are beyond doubt based on their actions or prior conduct.

b. whether there is a risk that the license will be used, in part, to obtain financial gain through criminal acts or money laundering;

c. whether there are facts and circumstances that indicate or reasonably suggest that a criminal offense was committed to obtain the license.

3. The license holder shall implement a policy designed to ensure the reliability of executives, persons in key positions, and persons who come

into contact with players in the organization or operation of games of chance.

4. The suitability of the persons referred to in the first paragraph is not beyond doubt if the formal or de facto control structure of the group to which the applicant belongs is not sufficiently transparent to ensure adequate supervision of the applicant.

Article 4 Sources

1. In conducting the reliability assessment, the director may, in any case, consult the following sources:

a. the applicant;

b. the information available to the Director in the course of performing his statutory duties, as referred to in Article 50, paragraph 4;

c. the Unusual Transactions Reporting Center;

d. the Public Prosecutor's Office;

e. the Sint Maarten Police Force;

f. the Judicial Information Service;

g. the Tax Authority;

h. foreign supervisory bodies and authorities;

i. public sources, including commercial registers and land registries.

2. The director may request data and documents from the applicant regarding, at a minimum:

a. the persons referred to in Article 3, paragraph 1;

b. an overview showing the relationships between the persons referred to in Article 3, paragraph 1;

c. foreign licenses;

d. foreign equivalents of the certificate of good conduct;

e. the criminal history referred to in Article 3, paragraph 2, subparagraph a.

Article 5: Criminal History

When assessing the criminal history referred to in Article 3, paragraph 2(a), the director may, in any case, take the following aspects into account:

a. the number and duration of the prior records;

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b. the nature, severity, and context of the prior offenses;

c. the time that has elapsed since the prior incidents occurred or were penalized;

d. the monetary value of the benefit obtained through the prior incidents; and

e. the nature of the relationship between the applicant and the person to whom the prior incident relates.

Article 6: Presumptions

The presumptions referred to in Article 9, paragraph 7, include, in any case, presumptions regarding the existence of prior offenses as referred to in Article 3, paragraph 2, subparagraph a, which also includes presumptions of violations of provisions of the National Ordinance on Combating Money Laundering and Terrorist Financing.

Article 7 Prevention of Gambling Addiction

The license holder shall take the measures and make the arrangements necessary to prevent addiction to the games to be organized to the greatest extent possible. This includes, at a minimum, implementing an adequate and demonstrable addiction prevention policy and ensuring that the license holder's staff members possess the necessary knowledge and understanding regarding the prevention of gambling addiction and the implementation of the addiction prevention policy.

Article 8 Consumer Protection

1. It is prohibited to offer games of chance to persons who have not yet reached the age of eighteen.

2. Marketing and advertising activities for games of chance must not be misleading or aggressive, must not target minors or other vulnerable persons designated under or pursuant to this national ordinance, and must not encourage excessive participation in games of chance.

3. Marketing and advertising activities for games of chance conducted through door-to-door visits are prohibited.

4. Television and radio advertisements for games of chance may not be broadcast between 6:00 a.m. and 7:00 p.m.

5. Digital advertising for games of chance must not:

a. be specifically aimed at minors in terms of content, design, or presentation;

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b. be placed or distributed via digital media, platforms, websites, apps, or other means of communication that are primarily aimed at minors;

c. be directed at individuals who have self-excluded from participating in games of chance or at individuals who have been identified as being at increased risk of harm related to games of chance.

6. Marketing and advertising activities must highlight the risks of excessive participation in games of chance and, where applicable, clearly indicate whether participation is one-time or ongoing.

7. Marketing and advertising activities shall in any case be deemed misleading if they provide information that:

a. gives the impression that the consumer has already won a prize; or

b. gives the impression that the consumer will receive a prize or other benefit by performing a specific action, when in fact there is only a chance of doing so.

8. By ministerial regulation, vulnerable groups as referred to in Article 8, paragraph 2, may be designated, and further rules may be established regarding the content, form, manner, location, scope, duration, and timing of solicitation and advertising activities.

Article 9: Application, Rejection, Amendment, Revocation, and Suspension of a License

1. An application for a license to organize and operate games of chance may be submitted to the Gambling Authority. A decision on an application for a license shall be made within six months of receipt of the application.

2. An application for a license to organize and operate games of chance will be rejected if:

a. the information necessary for the substantive assessment of the application has not been provided or is incorrect, provided that the applicant has been given the opportunity to remedy this omission within a reasonable period of time;

b. the reliability of one or more persons, as referred to in Article 3, paragraph 1, is not beyond doubt;

c. the suitability of one or more persons, as referred to in Article 3, paragraph 1, is not beyond doubt;

d. granting the application would result in exceeding the maximum number of licenses referred to in Article 20 or Article 25;

e. the additional conditions for approval set forth in this national ordinance for each type of license are not met;

f. the requirements of the National Ordinance on Combating Money Laundering and Terrorist Financing are not met.

3. If, after a license has been granted, a change occurs regarding the reliability or suitability of the persons referred to in Article 3, paragraph 1, the license holder shall report this immediately to the Gambling Authority.

4. The license may be revoked in the event of a change in the legal form of the licensed enterprise or a proposed change in the ownership or control structure of the licensed enterprise if the license holder fails to submit an application for amendment of the license to the Gambling Authority. Such an application must be submitted no later than 30 days before the intended change.

5. A change in the ownership or control structure as referred to in paragraph 4 shall in any case be understood to mean:

a. a change whereby formal or de facto control over the license holder is transferred, in whole or in part, to another person; or

b. a change whereby the identity of the ultimate beneficial owner changes.

6. Without prejudice to the grounds for revocation referred to in paragraph 4, a license may also be revoked if:

a. the information provided for the purpose of obtaining the license has proven to be so inaccurate or incomplete that a different decision would have been made on the application had the correct and complete information been known at the time of its assessment;

b. the conditions for granting the license are not, or are no longer, met, including the requirements of the National Ordinance on Combating Money Laundering and Terrorist Financing;

c. a condition attached to the license has been violated or has not been complied with;

d. the regulatory fee required for the organization and operation of the license has not been paid.

7. The license may be suspended based on serious suspicions that there are grounds for revoking the license .

8. Before a license is suspended or revoked, the license holder shall be given the opportunity to submit, in writing and within a reasonable period of time, their views on the proposed decision.

Article 10 Supervisory Fee

1. Under the name "supervisory fee," the director shall levy a special-purpose fee to cover the reasonable and substantiated costs incurred by the Gambling Authority in performing its statutory duties, as referred to in Article 50, paragraph 4, up to a maximum of the estimated costs for a calendar year. The supervisory fee consists of a fixed amount and a variable amount.

2. The variable amount is levied on:

a. holders of a license as referred to in Article 14, paragraph 1, based on the gross gambling revenue; and

b. holders of a license as referred to in Articles 24, paragraph 1, 43, paragraph 1. and 47, paragraph 1, based on the proceeds from lotteries.

3. Holders of an authorization as referred to in Article 39, paragraph 2, are subject solely to a fixed amount based on a rate per point of sale to be determined by the Minister.

4. The supervisory levy is levied for a calendar year or in proportion to the number of months during which the license is valid in that calendar year. A portion of a calendar month counts as a full calendar month.

5. "Gross gambling revenue" means: the difference between the wagers received and the prizes paid out, including unpaid gambling debts, consisting of winnings and uncollected wagers.

6. "Revenue from lotteries" means: the total income from the sale of lottery tickets, less the prizes paid out and the legally required contributions to beneficiaries.

7. If the license holder fails to provide the information relevant to the supervisory levy to be imposed within the specified time limit or provides incorrect information, the director may estimate the relevant data.

8. The director may impose a provisional supervisory levy. This will be offset against the final supervisory levy.

9. The obligation to pay the supervisory levy is not suspended by the filing of an objection or appeal.

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10. If the supervisory levy is not paid on time, it may be collected by means of a writ of execution, in accordance with rules to be established by a national decree containing general measures.

Article 11: Establishment of a Supervisory Fee

A national decree containing general measures shall establish further rules regarding:

a. the amount and calculation of the supervisory fee;

b. the information to be provided by the license holder for the calculation of the supervisory fee;

c. the method of levying and collecting the supervisory fee;

d. the payment deadlines for the supervisory fee;

e. , the offsetting of surpluses from the supervisory levy against future supervisory levies, as referred to in Article 63.

Article 12 Fee for Processing an Application

1. A fee is due for the processing of an application for a license as referred to in Article 9, paragraph 1. A fee is also due for an application to amend or renew the license. If payment is not made, the application will not be processed. If the application is rejected, there is no right to a refund of the fee.

2. By or pursuant to a national decree containing general measures, further rules may be established regarding the amount, the imposition, and the method of collection of the fee referred to in the first paragraph.

Article 13 Exclusion Registry

1. The director maintains a registry of individuals who have voluntarily and temporarily excluded themselves from participating in games of chance at casinos.

2. The purpose of the registry is to prevent participation in games of chance as referred to in the first paragraph by persons regarding whom it can reasonably be assumed that they may cause harm to themselves or their loved ones through excessive participation in games of chance or through gambling addiction.

3. The registry contains information regarding:

a. the individuals listed in the registry;

b. the period of exclusion from participation as referred to in the first paragraph;

c. the reasons underlying the registration;

d. the source of the data included in the registry.

4. Data from the registry shall be provided only to:

a. the license holder , to the extent that it concerns the mere indication of whether a person is listed in the registry;

b. the director and the supervisors designated by him as referred to in Article 68, paragraph 1, to the extent necessary for monitoring compliance with this national ordinance.

5. The director shall remove the entry from the registry upon expiration of the exclusion period. The entry shall not be removed if less than six months have elapsed since the entry was made.

6. The data included in the registry are pseudonymized and, upon expiration of the exclusion period, are immediately removed from the registry for policy development and statistical purposes.

7. Further rules regarding the registry shall be established by or pursuant to a national decree containing general measures. These rules shall, in any case, pertain to the data referred to in paragraph 3 and the manner in which:

a. the processing of personal data takes place;

b. personal data is protected against loss or unlawful processing by means of appropriate technical and organizational measures;

c. it is ensured that the processed personal data is used solely for the prevention and treatment of gambling addiction, and how this is monitored.

CHAPTER 3 Games of Chance

§ 3.1 Casinos

Article 14 Casino License

1. The director may grant a license to organize and operate a casino.

2. A license granted to a legal entity that also holds a hotel license is designated as a Casino A license.

3. A license granted to a legal entity that does not also hold a hotel license is designated as a Casino B license.

4. A license holder is not permitted to offer casino visitors activities or products unrelated to the casino industry without the director's permission.

5. Only casino games designated by ministerial regulation may be offered in a casino. Further rules may be established regarding the conditions under which the designated casino games may be offered.

6. The number and types of permitted games of chance are determined for each license holder at the time the license is granted.

7. The director may require an applicant seeking to organize and operate a casino to provide financial security. If the applicant does not meet this requirement, the application will be rejected. The director may determine the form and amount of the security to be provided.

§ 3.1.1 General Rules for Casinos

§ 3.1.1.1 Casino Admission

Article 15 Casino Access

Notwithstanding the provisions of Article 7, the license holder shall not grant access to the casino to any person:

a. whose identity and age cannot be reliably verified;

b. who has not yet reached the age of eighteen;

c. whose information is included in the registry referred to in Article 13, paragraph 1;

d. regarding whom the license holder has reasonable grounds to suspect that, due to excessive participation in games of chance or a gambling addiction, the person may cause harm to themselves or their loved ones;

e. who appears to be under the influence of alcohol or other intoxicating substances.

§ 3.1.1.2 Prevention of Gambling Addiction

Article 16: Signs of Excessive Participation and Gambling Addiction

1. Without prejudice to the provisions of Article 7, the license holder shall record, with respect to each participant in the games of chance it organizes, internal and external indicators that suggest excessive participation in these games of chance. The license holder may delegate these tasks to qualified personnel under its supervision.

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2. If there is a reasonable suspicion of excessive participation in games of chance or gambling addiction, the license holder shall conduct a personal interview with the player in which:

a. the license holder draws the player's attention to his or her gambling behavior—including, if possible, its progression—and to the dangers of gambling addiction;

b. he advises the player on measures designed to limit his participation in games of chance and on the assistance available from addiction treatment centers, and encourages him to make use of these services;

c. the license holder assesses whether the player's excessive participation in games of chance or gambling addiction could cause harm to the player or to the player's loved ones.

3. In conducting the assessment referred to in paragraph 2, underc, the license holder shall, in any case, consider the consequences of participation in games of chance on the player's financial situation, family situation, health, and employment situation.

§ 3.1.1.3 Gambling Machines

Article 17 Requirements for Gambling Machines

1. A gambling machine may only be put into service if the model of the gambling machine has been approved in accordance with the rules established by ministerial regulation and the gambling machine conforms to the approved model.

2. A ministerial regulation establishes rules regarding the technical requirements that gambling machines and slot machine models must meet, including rules concerning the course of the game, the odds of winning and losing, payouts, and the payout percentage, as well as rules regarding the approval of models and modifications thereto.

3. No modification to an approved model that may affect its operation, the course of the game, the odds of winning or losing, payouts, the payout percentage, or other characteristics specified by ministerial regulation may be made without prior approval in accordance with the rules established by ministerial regulation.

4. The license holder shall maintain an accurate, complete, and up-to-date register of all gambling machines on the premises, whether in use or in storage. The register shall be provided immediately and in digital form upon request by the Gambling Authority. Further requirements regarding the register shall be established by ministerial regulation.

§ 3.1.1.4 Technical and Organizational Requirements and Inspections

Article 18 Inspections

1. The electronic equipment used to organize casino games and the organization of these games are subject to prior approval and periodic inspection by an inspection body. The periodic inspection takes place every two years.

2. An inspection shall also be conducted upon a directive to that effect from the director within the timeframe specified in such directive.

3. The inspection agency's examination is conducted for the purpose of control and supervision to prevent fraud and abuse and is also aimed at providing the greatest possible guarantee against any compromise of the random nature of the games offered by the license holder .

4. The inspections are conducted on the basis of the technical and organizational regulations established by the director pursuant to Article 51, paragraph 4.

5. The director designates an inspection body to monitor compliance with the technical and organizational regulations referred to in paragraph 4.

6. In conducting periodic inspections, the inspection body takes into account the results of previously conducted inspections.

7. The inspection report shall be submitted by the license holder to the Director no later than two months after the inspection is conducted.

8. The costs associated with the inspection shall be borne by the license holder .

Article 19 Requirements for Inspection Reports

The inspection report shall include, at a minimum:

a. a sufficient description of the components of the equipment that were subject to the inspection;

b. the results of the inspection and a sufficient justification thereof;

c. the classification of each deficiency identified in the inspected equipment based on the risk that deficiency poses to the responsible and reliable operation of the licensed casino games;

d. an explanation of the methods, techniques, and principles used during

the inspection;

e. an explanation of the expertise and experience of the persons who conducted the inspection.

Article 20: Number of Licenses

The permitted number of casino licenses to be issued shall be determined by or pursuant to a national decree containing general measures. The director's advice shall be sought in this regard.

Article 21: License Requirements

The director shall, in any case, attach conditions to the casino license regarding:

a. the number and types of permitted games of chance;

b. other permitted activities;

c. the space or location where a casino is organized and operated;

d. the technical requirements referred to in Article 51, paragraph 4;

e. the opening and closing hours.

§ 3.1.2 Requirements for a Casino A License

Article 22: Separate Premises

Gambling takes place in a casino that is part of a hotel. The hotel has at least 200 rooms. The casino is separate from the regular hotel operations. Any expansion or modification of the casino must be requested from the director.

§ 3.1.3 Requirements for Casino B License

Article 23: Location for a Casino B License

An application for a Casino B license will be rejected if the location of the casino to be established and operated is situated in vulnerable neighborhoods or within a 50-meter radius of a school. The Minister may, by decision, extend the aforementioned prohibition to other locations and provide guidelines in this regard. The director may issue a policy rule to further clarify what is meant by "vulnerable neighborhoods."

§ 3.2 Lotteries

Article 24, Lottery Licenses

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1. The Director may grant a license for the organization and operation of lotteries.

2. “Lotteries” as referred to in this section include, at a minimum, the number lottery, the lotto, and scratch lotteries.

3. The Director may require an applicant for a license to organize and operate a lottery to provide financial security. If the applicant does not meet this requirement, the application will be rejected. The Director may determine the form and amount of the security to be provided.

Article 25: Cap on the Number of Licenses

After consulting with the director, the minister may set a maximum number of licenses per type of lottery, as referred to in Article 24, paragraph 2, for each calendar year. A decision to that effect shall be made by November 1 of the preceding calendar year.

Article 26: Records and Regulations

1. The license holder shall maintain separate, clear, and efficient records for the lottery.

2. The license holder shall have procedures and measures in place for handling and documenting incidents.

3. The license holder shall organize the lotteries in accordance with its own articles of incorporation and regulations. The regulations shall include, at a minimum:

a. provisions regarding the conditions of participation;

b. the drawing procedures, to the extent applicable;

c. the prize schedules, including the manner in which a participant may claim a prize and the distribution of the proceeds from the games of chance to be organized.

4. The rules and any amendments thereto require the prior approval of the director.

5. The license holder must post the information referred to in paragraph 3 on its website. The posting must state that the license holder holds a license issued by the Gambling Authority.

§ 3.2.1 Prevention of Gambling Addiction

Article 27: Prohibition on Participation

It is prohibited to sell lottery tickets to a person:

a. who has not yet reached the age of eighteen;

b. regarding whom there is reasonable suspicion that, due to excessive participation in games of chance or gambling addiction, they may cause harm to themselves or their loved ones; or

c. who is clearly under the influence of alcohol or other intoxicating substances.

Article 28: Provision of Information

The license holder shall ensure that it has information available regarding the risks associated with participating in lotteries. The license holder shall make this information available on its website and at its points of sale. The license holder shall ensure the accuracy and completeness of this information.

§ 3.2.2 Provisions Regarding the Drawing

Article 29 Scope

The provisions of this section do not apply to a license holder who organizes and operates a scratch lottery.

Article 30 Draws

1. No drawing shall be held on:

a. New Year's Day;

b. Good Friday;

c. Labor Day;

d. St. Martin's Day;

e. Constitution Day;

f. Christmas Day;

g. Boxing Day.

2. The director may, in consultation with the minister, amend or supplement the days referred to in the first paragraph.

3. After consulting with the license holders , the director shall set a maximum number of draws permitted per calendar year for each type of lottery. A decision to that effect shall be made by November 1 of the preceding calendar year.

Article 31: The Drawing Machine

For the draws, the license holder shall use the drawing machine referred to in Article 32, paragraph 1.

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Article 32: Designation and Inspection of the Drawing Machine

1. After consultation with the license holders, the director shall designate a drawing machine.

2. The director manages the drawing machine. The drawing machine is subject to prior and periodic approval by an inspection body designated for that purpose by the director.

3. The inspection body's examination is conducted to verify and monitor compliance with the license conditions and regulations regarding the prevention of fraud and abuse, and is also intended to provide the greatest possible guarantee against any compromise of the random nature of the lottery offered by the license holder .

4. The inspections are conducted in accordance with the technical and organizational regulations established by the director. These regulations are published on the Gambling Authority's website.

5. The costs of the inspection shall be paid by the license holders l based on an invoice issued by the Gambling Authority, in proportion to the number of drawings per license holder .

Article 33: Storage of the Drawing Machine

The drawing machine and its associated equipment shall be stored in a room specifically designated for this purpose by the Director within the Gambling Authority's building, which is accessible exclusively to the supervisors and the license holder's designated staff members.

Article 34: Public Nature of Draws and Draw Costs

1. Draws shall take place in public in a room designated for that purpose by the Director within the Gambling Authority's building, in accordance with a schedule to be established annually by the Director. This schedule shall be established after consultation with the license holders and published on the Gambling Authority's website.

2. The drawings take place in the presence of Gambling Authority supervisors designated for that purpose by the Director.

3. The numbered balls to be used for a drawing are inspected by the supervisors and stored under seal in the room referred to in Article 33.

4. The costs incurred by the Gambling Authority for supervising each drawing shall be borne by the relevant license holder and paid prior to the drawing.

5. The amount of the costs referred to in paragraph 4 is determined by ministerial regulation, which distinguishes between:

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a. drawings on days other than Saturdays, Sundays, and recognized holidays; and

b. drawings held on Saturdays, Sundays, and recognized holidays.

6. If the drawing fees are not paid, the regulator will not conduct the drawing.

Article 35: Order of Draws

1. In drawings, the tickets are drawn in the following order: first the most valuable prize, followed by progressively less valuable prizes, down to the least valuable prize.

2. It is permitted for more than one prize to be awarded to the same ticket.

Article 36: Announcement of Winning Tickets

1. The numbers of the tickets that have won prizes shall be announced as soon as possible, but within 24 hours, on the Gambling Authority's website.

2. A prize won must be held by the license holder for at least three months after the draw results are announced.

3. The Minister may establish further rules regarding the allocation of unclaimed prizes for the public good.

Article 37 Payment of Prizes

The license holder shall pay out the prizes as soon as possible after the results are announced. Prizes shall not be paid out to minors or other persons who are excluded from participation.

Article 38 Irregularities in Draws

1. An official report of each drawing shall be drawn up by a supervisor as referred to in Article 34, paragraph 2. The official report shall be made public via the Gambling Authority's website.

2. If the supervisor detects any irregularity during the drawing of any prize, the drawing is immediately halted and the result is invalidated. Any detected irregularity is recorded in the official report.

§ 3.2.3 Sales Outlets

Article 39 Point of Sale

1. The director sets a maximum number of sales outlets permitted per license when granting or renewing a license.

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2. The sale of lottery tickets from a specific point of sale requires authorization from the Director. The license holder must request authorization for a point of sale from the Director using a form made available for this purpose on the Gambling Authority's website.

3. Permission will not be granted if the number of sales outlets specified at the time of license issuance or renewal has been reached.

4. Permission is granted only if the seller at the relevant sales outlet meets at least the following requirements:

a. is of legal age;

b. holds a valid certificate of good conduct;

c. has an agreement with the license holder to sell lottery tickets on behalf of the license holder;

d. has not been irrevocably convicted of conduct as referred to in Article 76, paragraph 1.

5. Permission to sell from an authorized sales outlet may be revoked if:

a. the seller acts in violation of public order and morality;

b. the seller acts in violation of the provisions of Article 27;

c. the seller no longer meets the requirements set forth in paragraph 4.

Article 40 Outsourcing of Lottery Ticket Sales

The license holder shall ensure that outsourcing the sale of raffle tickets through sales outlets does not impede:

a. compliance with applicable laws, regulations, and licensing requirements; and

b. the efficient and effective exercise of supervision and enforcement thereof.

Article 41: License Requirements

The director shall, in any case, attach conditions to the lottery license regarding:

a. the manner and timing of submitting the records referred to in Article 26, paragraph 1, to the Gambling Authority;

b. the layout of sales outlets;

c. the sale of lottery tickets, including the permitted sales period per drawing;

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d. the articles of incorporation, bylaws, and administrative organization of the license holder;

e. the number of drawings, as well as their location and time;

f. the prize amount, the prize schedule, and the maximum amount that may be paid out to participants;

g. the use of the proceeds from the lottery.

§ 3.2.4 Lottery-Specific Provisions

§ 3.2.4.1 Scratch lottery

Article 42 Requirements for Scratch-Off Tickets

1. A license holder who organizes or operates a scratchlottery is required to use physical scratch-off tickets of such quality that fraud and abuse are reasonably prevented.

2. The scratch-off tickets used for each lottery must be submitted to the director for approval prior to sale.

3. The physical scratch-off tickets must clearly state:

a. the deadline by which and the location where a prize may be claimed;

b. the price of the scratch-off ticket;

c. the unique ticket and batch number;

d. the name of the game;

e. the game instructions, odds of winning, and prize distribution;

f. proof of approval by the Gambling Authority.

§ 3.2.4.2 the charity lottery

Article 43 Charity Lottery

1. The director may grant a license to organize and operate a lottery whose sole purpose is to use the proceeds to support a charitable cause, or to promote or preserve culture, science, the arts, nature, or another public interest, other than a private, political, or commercial interest.

2. The prizes or awards of a lottery as referred to in the first paragraph shall not consist of money or negotiable instruments.

3. A license is granted for the duration of the activity of a cause to be supported as referred to in the first paragraph.

Article 44: Distribution of Proceeds

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1. The license holder shall contribute at least 60 percent of the proceeds from the lottery to a cause as referred to in Article 43, paragraph 1.

2. A maximum of 40 percent of the proceeds from the lottery may be spent on costs related to the organization and operation of the license, with the exception of the supervisory costs referred to in Article 10, paragraph 1. These costs include, among other things:

a. printing costs for lottery tickets and promotional materials;

b. accounting fees;

c. expenses for the prizes.

Article 45 Administration

The license holder shall submit a detailed account and statement of accounts, together with supporting documents, to the Gambling Authority within three months after the expiration of the license's term.

Article 46: License Requirements

The license is subject to requirements concerning:

a. the information to be printed on the tickets and in other publications concerning the lottery, as referred to in Article 43, paragraph 1;

b. the announcement of the results of the drawings;

c. the payment of prizes;

d. the number of tickets to be put into circulation;

e. the face value of a ticket;

f. the term of the license;

g. the date of the drawing;

h. the payment referred to in Article 44, paragraph 1;

i. the protection of minors;

j. the provision of information regarding the risks of participation.

§ 3.2.4.3 Lottery and Scratch Lottery

Article 47: Lotto and Scratch Lotteries for the Public Good

1. At the request of the Minister, the Director may grant a license to a foundation established in Sint Maarten to organize and operate a lottery and a scratch lottery, solely for the purpose of using the proceeds to serve the public interest.

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2. The prizes or awards of a lottery as referred to in paragraph 1 consist of cash or negotiable instruments.

3. The license may be subject to certain conditions.

§ 3.3 Small Games of Chance

Article 48 Small games of chance

1. No license is required to organize gatherings where small games of chance are played.

2. The organization of gatherings where small games of chance are played is permitted exclusively to associations possessing legal personality.

3. An association as referred to in the second paragraph has, pursuant to its articles of incorporation, the purpose of serving the public interest. Serving a private, political, or commercial interest is not considered to be in the public interest.

4. Small games of chance include keno, bingo, the wheel of fortune, and similar forms of games of chance to be designated by the director.

5. The total value of the prizes and winnings from small games of chance shall not exceed Cg 5,000 per gathering.

6. It is prohibited to organize a gathering at which small games of chance are played if:

a. the director has not been notified at least fourteen days in advance of the location and time at which the gathering is to be held;

b. the director has prohibited such a gathering.

§ 3.4 Online games of chance

[Reserved]

CHAPTER 4 The License Registry

Article 49 License Register

1. The director shall maintain a registry in which licenses granted pursuant to this national ordinance are recorded.

2. Without prejudice to paragraph 4, the registry shall be organized and its contents published in a manner to be determined by the Director. The registry is accessible via the Gambling Authority's website.

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3. The Director is responsible for keeping the register up to date.

4. Each year in January, the Director shall publish a copy of the register, as of December 31 of the preceding year, in the National Gazette and in at least two local daily newspapers.

CHAPTER 5 The Gambling Authority

§ 5.1. Organizational Structure, Duties, and Powers

Article 50 Gambling Authority

1. There is a Gambling Authority operating under the name Sint Maarten Gambling Authority.

2. The Gambling Authority has legal personality and is independent with regard to its internal organization, the management of its resources, and the representation of its interests.

3. The Gambling Authority is headed by a director.

4. The director has the following duties:

a. granting, renewing, amending, suspending, and revoking licenses for the various forms of games of chance;

b. promoting the prevention and reduction of gambling addiction;

c. supervising compliance with applicable laws and regulations and with the licenses;

d. enforcing applicable laws, regulations, and licenses;

e. conducting research in the field of games of chance;

f. providing guidance and information regarding games of chance;

g. representing Sint Maarten's interests in the field of gambling and overseeing these interests at the Kingdom, regional, and international levels;

h. cooperating with domestic and foreign government agencies responsible for the investigation and prosecution of criminal offenses and the enforcement of the prohibition on money laundering and terrorist financing.

Article 51 Powers of the Director and Deputy Director

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1. The Director manages the Gambling Authority and determines its policy.

2. The Director represents the Gambling Authority in and out of court.

3. The Director may adopt and prescribe forms necessary for applying for or amending a license as referred to in this national ordinance.

4. The Director may adopt technical and organizational regulations regarding the manner in which license holders must comply with the requirements set for the operation of the license and shall publish these regulations on the Gambling Authority's website.

5. The director shall designate an inspection body to oversee compliance with the technical and organizational regulations referred to in paragraph 4.

6. The Director is assisted by a Deputy Director. The Deputy Director is authorized to make decisions on behalf of the Director, to perform legal acts under private law, and to perform acts that are neither a decision nor a legal act under private law.

7. The deputy director represents the director in the director's absence or when the director is unable to perform his or her duties.

8. In the absence of both the director and the deputy director, the minister shall, by national decree and upon the advice of the supervisory board, appoint a third party to temporarily exercise the duties and powers of the director.

9. The director shall adopt management regulations setting forth the division of duties and areas of responsibility between the director and the deputy director. The regulations shall include provisions regarding the representation of the director in the event of his or her absence or inability to perform duties.

10. The management regulations require the approval of the supervisory board.

Article 52: Additional Positions Held by the Director and Deputy Director

1. The director and the deputy director shall not hold any additional positions that conflict with the duties and powers referred to in Article 50, paragraph 4, and Article 51, as well as the regulations established by or pursuant to this national ordinance.

2. The director and the deputy director shall report any intention to accept a secondary position other than one arising from their official duties to the minister and the supervisory board .

Article 53 Appointment, Suspension, and Dismissal of the Director and Deputy Director

1. The director and the deputy director are appointed, suspended, and dismissed by the Minister by national decree, upon the recommendation of the supervisory board following an open application process. Appointments are valid for a period of four years and may be renewed once for the same period.

2. The director and the deputy director may be suspended or dismissed due to proven unsuitability or incompetence for the position held, or due to other compelling reasons related to the person concerned. Dismissal may also occur at the individual's own request.

Article 54 Compensation for the Director and Deputy Director

1. Rules regarding the compensation of the director and deputy director are established by the minister by national decree**.**

2. The costs associated with the work of the director and deputy director shall be borne by the Gambling Authority's budget.

Article 55: Staff of the Gambling Authority

1. The staff are employed by the Gambling Authority. The legal relationship between the staff and the Gambling Authority is governed by civil law.

2. The director has the authority to hire, suspend, and dismiss staff on the basis of an employment contract.

3. Staff members are under the authority of the director and are accountable exclusively to him for their work.

4. The terms and conditions of employment for staff are set forth in employment regulations that are adopted by the director, following approval by the supervisory board.

Article 56 Composition and Appointment of the Supervisory Board

1. Supervision of the director's policies and of the general conduct of affairs relating to the Gambling Authority is exercised by the supervisory board.

2. The Minister may ask the Supervisory Board questions regarding matters pertaining to the Gambling Authority.

3. The Supervisory Board consists of at least three and no more than five members.

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4. The members of the Supervisory Board are appointed, suspended, and dismissed by national decree.

5. By national decree as referred to in paragraph 4, one of the members is appointed as chair of the supervisory board.

6. The members of the Supervisory Board shall appoint a vice chair from among themselves.

7. The vice-chairperson assumes the duties and powers of the chairperson in the chairperson's absence.

8. The members of the supervisory board are appointed for a term of no more than four years.

9. Members shall step down in accordance with a rotation schedule to be established by the supervisory board, taking into account the need to ensure the continuity of its operations. A member stepping down in accordance with the rotation schedule may be reappointed once, whether consecutively or not, for a term of no more than four years.

10. The members serve on the supervisory board in a personal capacity and perform their duties without receiving instructions or consulting with anyone.

Article 57: Profile of the Supervisory Board

The composition of the supervisory board is such that the incumbent members meet a profile established by the supervisory board, taking into account knowledge and experience in the areas of games of chance, gambling addiction, consumer protection, finance, law, crime prevention, and information technology. The Supervisory Board discusses the profile guidelines and any amendments thereto with the director.

Article 58 Incompatibilities of the Supervisory Board

1. Only residents of Sint Maarten who meet the following criteria may be appointed as members of the Supervisory Board:

a. are of good character;

b. have not been declared personally bankrupt within the three years preceding the date of appointment;

c. are not related to a member of the Supervisory Board, the director, or the deputy director as a spouse, partner, or blood relative or relative by marriage up to the second degree;

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d. have no financial or other interests in institutions or companies with activities or interests in the field of games of chance that could cast doubt on their impartiality.

2. Membership on the supervisory board is incompatible with:

a. membership in the Provincial Council;

b. the office of minister;

c. the office of Minister Plenipotentiary;

d. the office of Governor;

e. the office of Deputy Governor;

f. the office of Ombudsman;

g. membership on the Advisory Council;

h. membership in the General Audit Office;

i. membership on the Social and Economic Council;

j. employment with the Gambling Authority;

k. employment with a government agency, including a department or company under the responsibility of a minister or a legal entity in which the government has a controlling interest;

l. working as an employee at institutions, companies, or for individuals that, in or from Sint Maarten, offer opportunities to participate in games of chance.

3. Upon acceptance of any of the memberships, positions, employment relationships, or activities listed in the second paragraph, membership on the supervisory board shall terminate by operation of law.

Article 59 Dismissal and Suspension of Supervisory Board Members

1. A member of the supervisory board may be dismissed:

a. at their own request;

b. at the request of the supervisory board;

c. if the member has been convicted of a criminal offense by a final and binding court judgment, or if such a judgment imposes a measure resulting in deprivation of liberty;

d. if, by a final and irrevocable court ruling, the person has been placed under guardianship, declared bankrupt, or granted a stay of payments;

e. is permanently unfit due to illness or disability;

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f. due to unsuitability, incompetence, or other compelling reasons.

2. A member may be suspended if there is serious suspicion that one of the grounds referred to in paragraph 1, under c through f, exists.

3. Before proceeding with suspension or dismissal, the member in question shall be heard by the Minister, or at least duly summoned for such a hearing.

4. A vacancy shall be filled as soon as possible, but no later than within six months.

5. Until a vacancy is filled, the supervisory board shall consist of the remaining members, who shall collectively exercise the powers of the full supervisory board.

6. If all members are suspended simultaneously, the Minister shall, within fourteen days and for a period not exceeding six months, appoint an acting member by national decree. The acting member shall exercise all the duties and powers of the supervisory board.

Article 60: Compensation for the Supervisory Board

1. Rules regarding the compensation of members of the supervisory board shall be established by national decree.

2. The costs associated with the activities of members of the supervisory board shall be borne by the budget of the Gambling Authority.

Article 61: Procedures of the Supervisory Board

1. The Supervisory Board shall meet at least once per quarter and as often as the chairperson or the other members deem appropriate.

2. At meetings of the Supervisory Board, the director shall, upon request, report on developments in the field of games of chance in Sint Maarten and on the director's policies, governance, and management.

3. The Supervisory Board is accountable to the Minister for the performance of its duties. Each year, before July 1, the Supervisory Board prepares a report on the work it has carried out. The Minister forwards this report to Parliament for information.

4. The Supervisory Board shall draw up regulations governing its procedures. These regulations require the Minister's approval.

§ 5.2 Financial Resources, Accountability, and Oversight

Article 62 Financial Resources

1. The Gambling Authority's financial resources are derived from the fees and supervisory levies specified under this provincial ordinance.

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Other financial resources accruing to the Gambling Authority consist of any government contributions and fees for other services rendered.

2. These financial resources are used to cover the Gambling Authority's operational and infrastructure costs.

3. The Gambling Authority is authorized to establish a designated reserve to finance special projects with a project scope defined at, a budget ceiling, and a project duration of no more than three years, provided that it has obtained prior approval from the minister.

4. The Gambling Authority is authorized to establish a reserve fund to cover potential deficits, provided it has obtained prior approval from the Minister.

5. The designated reserve and the reserve fund shall be included in the Gambling Authority's annual budget.

6. The Country of Sint Maarten guarantees the solvency of the Gambling Authority.

Article 63: Allocation of Surplus

At the end of the fiscal year, the surplus from the regulatory fees collected, after deduction of operational and infrastructure costs and allocations to the reserve fund and the designated reserve, is definitively determined. This surplus is offset against future regulatory fees.

Article 64 Management of Financial Resources and Property

The director is responsible for managing the Gambling Authority's financial resources and property. He is authorized to make decisions in this regard.

Article 65, Performance Contract

1. Each year, the Minister enters into a performance contract with the Director that sets forth quantitative, qualitative, and financial standards and objectives.

2. The performance contract shall not take effect until the budget has been approved by the Minister. If necessary, the performance contract shall be adjusted to account for the time that has already elapsed.

3. The approved annual budget of the Gambling Authority enables the director to fulfill the performance contract referred to in the first paragraph.

4. If, during the course of the fiscal year, the Director of the Gambling Authority is assigned tasks that have not yet been taken into account in the performance contract, the performance contract shall be adjusted

accordingly. If necessary, the budget shall be brought into line with the amendment to the performance contract.

Article 66 Budget Procedure

1. The Director shall prepare the budget for the following calendar year on an annual basis. The budget shall include an estimate of revenues and expenses, an estimate of planned investments, and an estimate of income and expenditures. Each budget item, including the designated reserve and the reserve fund, shall be accompanied by a separate explanation.

2. The director shall submit the draft budget, accompanied by a proposal for the performance contract, to the supervisory board for its advice by March 1 of the year preceding the year to which they relate. The supervisory board may communicate its response to the director no later than March 15, or declare that it will abstain from providing a response.

3. The director shall submit the adopted budget and the supervisory board's response thereto to the minister for approval by April 1 of the year preceding the year to which the budget relates.

4. The Minister shall approve the budget annually by October 1 of the year preceding the year to which the budget relates.

5. The Minister shall not withhold approval until he has given the director the opportunity to provide further oral clarification of the budget and, if necessary, to amend it. The Minister may consult the supervisory board on this matter.

6. Until the Minister has approved the budget, the budget for the year preceding the year to which the budget relates shall serve as the basis for management.

Article 67 Annual Report

1. The fiscal year of the Gambling Authority coincides with the calendar year.

2. The Director shall annually, within five months after the end of each fiscal year, adopt the balance sheet and the income statement and issue an annual report setting forth the policies pursued and the duties performed by the Gambling Authority during the past fiscal year.

3. Each year, within six months after the end of each fiscal year, the director sends the adopted balance sheet, income statement, and annual report to the minister. These documents are accompanied by a

statement of fairness issued by the Government Auditors' Office Foundation.

4. The statement referred to in paragraph 3 also pertains to the lawful use of funds by the Gambling Authority.

5. The Minister shall submit the annual report, the adopted balance sheet, the profit and loss statement, and the auditor's report to Parliament.

6. Every five years, the Minister shall submit a report to Parliament for the purpose of assessing the efficiency and effectiveness of the Gambling Authority's operations.

7. The documents referred to in this article are public, unless the Minister determines otherwise.

CHAPTER 6 Supervision and Enforcement

§ 6. 1 Supervision

Article 68 National Ordinance on Administrative Enforcement

1. The supervisors of the Gambling Authority designated by the director are responsible for supervising compliance with the regulations established by or pursuant to this Provincial Ordinance.

2. The National Ordinance on Administrative Enforcement also applies to the supervision of compliance with the regulations established by or pursuant to this National Ordinance.

3. To the extent that this national ordinance deviates from the National Ordinance on Administrative Enforcement, this national ordinance shall prevail.

4. The designation of the supervisors referred to in paragraph 1 shall be published in the National Gazette.

Article 69 Access to Electronic Equipment

In the performance of their duties, the supervisory authorities have access to the electronic equipment used in the organization and operation of games of chance, including the networks used in connection with such games.

Article 70: Expansion of the Definition of Business Records

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“Business records” within the meaning of Article 15, paragraph 1, of the National Ordinance on Administrative Enforcement also include the software used in participation in, the drawing of, and the payout of a game of chance, as well as the software that determines the outcome of a game.

Article 71: Sealing of Business Premises and Objects

Supervisory authorities are authorized to seal business premises in which—and objects with which—games of chance may have been organized in violation of this National Ordinance, to the extent that this is reasonably necessary for the exercise of the powers referred to in Article 15 of the National Ordinance on Administrative Enforcement.

Article 72 Seizure

1. The supervisory authorities are authorized to seize property subject to seizure. They may order the seizure of such property.

2. Property subject to seizure includes items that are clearly intended for the organization and operation of games of chance and that are of such a nature that their possession may violate the regulations established by or pursuant to this National Ordinance.

3. The supervisory authority that carried out the seizure shall, as soon as possible, prepare a report on the seizure and the grounds therefor, a copy of which shall be provided to the person who had the property in their custody.

4. If no legal proceedings are initiated, the director may, by decision, determine that the items seized pursuant to paragraph 1 shall be forfeited to Country Sint Maarten , if this is necessary to prevent such items from being used again for unlawful participation in games of chance.

5. The costs associated with the storage and destruction of seized items shall be borne by the offender. The director may collect these costs by means of a writ of execution.

6. By or pursuant to a national decree containing general measures, further rules may be established regarding the storage, destruction, and return of the seized items.

Article 73 Exchange of Information

1. Notwithstanding Article 77, the Director is authorized to provide and receive data and information to and from domestic and foreign institutions designated by or pursuant to law or national ordinance, to

the extent necessary for the performance of their statutory duties, and to the extent that these institutions are responsible for:

a. the supervision of persons and institutions active in the field of games of chance;

b. the Public Prosecutor's Office;

c. supervising compliance with laws and regulations aimed at preventing and combating money laundering and terrorist financing;

d. the imposition and collection of the supervisory levy.

2. The provision of data and information as referred to in the first paragraph shall take place only to the extent that it is necessary and proportionate to the intended purpose and in compliance with applicable data protection regulations.

3. The receiving authority shall use the data and information obtained exclusively for the purpose for which they were provided and shall ensure an appropriate level of confidentiality and security.

4. If data is provided to foreign institutions, such provision shall take place only if it is ensured that an adequate level of protection of personal data is provided, or if other appropriate safeguards have been put in place.

5. By or pursuant to a national decree containing general measures, further rules shall be established regarding:

a. the categories of data that may be exchanged;

b. the method of disclosure and security;

c. the conditions under which data exchange takes place;

d. the recording and monitoring of data transfers.

§ 6.2 Enforcement

Article 74: Administrative Order, Administrative Penalty

1. The director may impose an administrative order for violation of the provisions referred to in Article 75, paragraph 1.

2. If the violation referred to in Article 75, paragraph 2, involves a refusal to cooperate as referred to in Article 18 of the National Ordinance on Administrative Enforcement, the Director may impose an order subject to a penalty payment to compel access to the business data and documents specified in that order.

Article 75 Administrative Fine

1. The Director may impose an administrative fine for a violation of the regulations established by or pursuant to Articles 2, paragraph 1; 3, paragraphs 1 and 3; 7; 8, paragraphs 1 through 5; 14, paragraphs 4 and 5; 15; 16, paragraphs 1, 2, and 3; 17; 18, paragraphs 1 and 2, paragraph 1; 26, 27, 28, 30, 32, paragraph 5, 39, paragraph 2, 40, 42, 43, paragraph 2, 44, 45, and 48, paragraphs 2, 3, 5, and 6.

2. The director may also impose an administrative fine for acting in violation of Article 18 of the National Ordinance on Administrative Enforcement, for breaking, removing, or damaging a seal as referred to in Article 71, or for otherwise circumventing the closure intended by the seal.

3. The administrative fine shall not exceed:

a. for a Category A violation: Cg 10,000;

b. for a Category B violation: Cg 50,000;

c. for a Category C violation: Cg 250,000;

d. for a Category D violation: Cg 1,000,000.

4. By or pursuant to a national decree containing general measures, violations are classified into the categories referred to in paragraph 3.

5. In determining the amount of the administrative fine, the director shall in any case take into account:

a. the severity and duration of the violation;

b. the degree of culpability;

c. the circumstances under which the violation was committed;

d. the financial capacity of the offender.

6. Notwithstanding paragraph 3, if necessary, due to the severity of the violation or the circumstances under which it was committed, the administrative fine may be set at a maximum of 10% of the company's revenue in the fiscal year preceding the decision.

7. Forfeited administrative fines shall accrue to Country Sint Maarten.

CHAPTER 7 Penal Provisions

Article 76 Penal Provision

1. Acts in violation of the regulation established by or pursuant to Article 2, paragraph 1, shall, insofar as they are committed intentionally, be punishable by imprisonment for a term not exceeding six years or a fine of the sixth category.

2. Conduct in violation of the regulation established by or pursuant to Article 2, paragraph 1, shall, insofar as it is not committed intentionally, be punishable by either imprisonment for a term not exceeding one year or a fine of the fourth category.

3. The acts referred to in paragraph 1 are felonies. The acts referred to in paragraph 2 are misdemeanors.

CHAPTER 8 Confidentiality

Article 77 Confidentiality

Any person who, by virtue of the application of this national ordinance or of a decision adopted pursuant to this national ordinance, performs or has performed any duty, is prohibited from using or otherwise making use of, or from further disclosing or otherwise making public, any data or information provided or obtained pursuant to this national ordinance, or to disclose such data or information in any manner other than as required for the performance of their duties or as required by this national ordinance, except to the extent that any statutory provision obligates them to disclose such information or the necessity for disclosure arises from their duties in the implementation of this national ordinance.

CHAPTER 9 Transitional Provisions

Article 78 Transitional Provisions

1. The holder of a license granted pursuant to the National Ordinance on Games of Chance who wishes to continue his activities after the effective date of this national ordinance must submit an application to the Director for the grant of a license as referred to in Article 14, paragraph 1, of this ational rdinance.

2. The holder of a license granted under the Lottery Ordinance who wishes to continue their activities after the effective date of this national ordinance must submit an application to the Director for the issuance of

a license as referred to in Article 24, paragraph 1, of this national ordinance.

3. The validity of a license as referred to in the first and second paragraphs shall expire by operation of law if the holder of that license has not submitted an application within six months after the entry into force of the relevant paragraph in order to continue its activities.

4. The director shall decide within six months of receiving the application referred to in the first and second paragraphs.

5. The law in effect prior to the entry into force of this national ordinance shall continue to apply to the licenses referred to in the first and second paragraphs, until a decision has been made on the applications referred to in those paragraphs.

CHAPTER 10 Final Provisions

§ 10.1 Repeal and Exceptions

Repeal Article 79

The following are hereby repealed:

a. the National Ordinance on Games of Chance;

b. the National Ordinance on Games of Chance II;

c. the National Ordinance on Gambling Licenses;

d. the Lottery Ordinance;

e. the National Ordinance on Offshore Gambling.

Article 80: Legal Claims Arising from Licensed Games of Chance

Article 1807 of Book 7A of the Civil Code does not apply to prizes and winnings obtained from games of chance for which a license has been granted pursuant to this national ordinance.

§ 10.2 Entry into Force

Article 81 Entry into Force

1. This national ordinance shall enter into force on a date to be determined by national decree, which may be set differently for the various chapters, articles, or sections thereof.

2. This national ordinance shall be cited as the “Gambling Ordinance.”

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This national ordinance, together with the accompanying explanatory memorandum, shall be published in the Official Gazette.

Given at Philipsburg,
The Governor of Sint Maarten

The Minister of Tourism, Economic Affairs, Transportation, and Telecommunications,

date

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