

Increased Supervision and Enforcement of Games of Chance

Press release | 02-08-2007

The supervision and enforcement of games of chance in the Netherlands will be increased, according to draft legislation submitted to a number of interested organisations for their comments by the Minister of Justice, Ernst Hirsch Ballin, today. This draft legislation is in line with the Government's restrictive policy on games of chance and provides the Dutch law enforcement authorities with greater powers to impose fines on offenders.

The new Act will replace the old and obsolete Dutch Betting and Gaming Act drawn up in 1964. Under the new Act, uniform rules for offering games of chance will be introduced and the legal basis of the Dutch gaming policy will be updated. The aim of the new Act is to regulate and control games of chance in the Netherlands by limiting those legally permitted to provide games of chance to a fixed number. These providers will only be granted permits if they observe strict rules. The Government thus hopes to combat the illegal provision of games of chance.

A new Betting and Gaming Authority is to be established to supervise the Dutch gambling industry. The Authority will also be responsible for issuing permits and for enforcing the rules in the event that permit holders fail to adhere to the conditions. The new Act provides more options for enforcement alongside sanctions that can be imposed by the courts. The Authority has the power to impose such administrative sanctions as an order subject to administrative enforcement, an order subject to forfeiture of a penalty, or an administrative fine. Currently only the courts are allowed to impose sanctions under Dutch criminal law.

Promotional Games of Chance

The new Act also defines the requirements for 'promotional games of chance', i.e. games of chance that promote a specific product, service or organisation. Television is one of the providers of this type of game of chance, which has increased markedly over the last few years. The conditions under which promotional games of chance can be organised have specifically been incorporated in the new Act. A code of conduct for this type of gambling had already come into effect on 1 January 2006.

Proceeds of Gambling

The proceeds of games of chance are traditionally given to good causes or must be returned to the Treasury. The new Act stipulates that gambling organisations may only give money they have raised to charities that meet the Government's policy, management, spending and reporting criteria. Charitable organisations that have received a quality mark from the Central Fundraising Bureau satisfy these requirements.

Additionally, these organisations are also required to draw up a five-year policy plan outlining how the proceeds will be distributed. The legislator thus hopes to ensure a more balanced distribution of the monies for the various sections of Dutch society. The rigid and specific provision of where the proceeds must specifically go to will be deleted from the Act, which will allow gambling organisations to respond much more quickly to the needs of society. In view of the social interest of upholding the infrastructures for sport and culture, the policy plan of the gaming permit holders combined will have to include suitable payment to these sectors.

The draft law and accompanying explanatory memorandum can be found on the Ministry's website: www.justitie.nl (available only in Dutch).