

New independent body that enforces legislation on games of chance

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Summary

The Dutch government has set up a policy on games of chance. One of the main issues is the development of a new independent body that enforces legislation on games of chance (e.g. the Dutch Act on games of chance). This study provides insight into the most significant decisions concerning the establishment of the above-mentioned body.

Five significant decisions are distinguished. We have summarized our reflections with regard to these decisions below:

1. *Organizational position and relation with the Minister*
We consider the inspectorate the most suitable form of organization. The main arguments are the influence of the Minister and the prudent policy on the institution of independent administrative bodies.
2. *Tasks*
The tasks of the body include advising and granting of permits and exemptions. The tasks should be accurately regulated in order to minimize the possibility of a "regulatory capture". In addition, combination of those two tasks contributes to the concentration of knowledge and expertise.
3. *Relation with local authorities*
With regard to the undesirability of a positioning of second-line inspection outside the government organisation we recommend 'light' second-line inspection as one of the task of the body. Consultation between interested parties is necessary.
4. *Instruments*
We support an extension of administrative instruments (inspection and imposing sanctions). There are no reasons to limit the use of any of the available administrative instruments.
5. *Relation with criminal law*
Criminal enforcement should be available, although administrative enforcement is the rule. An anti cumulation regulation is necessary. Finally the Dutch government should decide about the introduction of the administrative penalty in the policy on games of chance.