

252010-2011-004
no 8

DRAFT MOTION

Considering:

That the Member of Parliament Petrus L. de Weever has presented a document in the meeting of Parliament dated June 29, 2011, named "Timeshare Consumer Protection Review and Suggestions" 30

That during 2010 and 2011 it became evident that the Time Share Industry suffered drastically due to the closure of the Pelican Timeshare Resort;

That this closure has brought about a very negative publicity campaign that impacted the image of St. Maarten;

That due to insufficient legislation and a regulatory body on this matter, the government was not in a position to act which could have mitigated the negative impact that this matter had on our tourism industry;

That a vibrant Timeshare Industry is of vital importance to St. Maarten's economy, therefore any future negative events and developments may imply serious consequences;

That St. Maarten is still considered to be the leading island where it pertains to the construction, sale and operations of Timeshare properties;

That the member of Parliament Mr. Petrus L. de Weever in the meeting of Parliament of June 29th 2011 handling the budget of St. Maarten presented an elucidation by which the rights of Timeshare Owners can be better protected;

That the Parliament of St. Maarten is desirous of having the timeshare industry further regulated in accordance with the aforementioned elucidation presented by the member of Parliament Mr. Petrus L. de Weever;

That the legislation resulting from the aforementioned elucidation should comprise changes to the civil code that will strengthen the right of timeshare ownership as a real property right (zakelijk recht);

That this legislation will also comprise the registration of the real right of ownership via the notary and the cadastre;

That this registration right will generate revenue for government such as transfer taxes, stamps and other such fees;

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That there should be a Time Share Regulatory Board with the authority to monitor, supervise and enforce compliance with the existing timeshare legislation as well as the future amendments to the civil code;

Resolves:

To instruct the Council of Ministers to allocate an amount of Naf 200.000,-- from the Tourism budget chapter 43499-80024 and transfer to budget chapter 43476-2030 of which the funds will be used solely for the drafting and amendment of legislation which will be enacted to protect the rights of Timeshare owners and also create a Timeshare Regulatory Board;

That the Parliament will request the services of Professor Jan de Boer who has been involved in the updating and revising of the civil code in order for him to bring about the proposed changes to the civil code in accordance with the attached document named "Timeshare Consumer Protection Review and Suggestions" and the elucidation in this motion;

That during the preparation of the legislation Professor Jan de Boer consults the stakeholders in order for them to provide pertinent information on this matter;

That during the preparation of the legislation, Professor Jan de Boer regularly updates the Central Committee of the Parliament on the progress of the works towards the amendments to the respective legislation;

That the draft legislation by Professor de Boer be completed and submitted to the Parliament of St. Maarten ultimately October 30th 2011;

And goes over to the order of the day

c.c. The Council of Ministers
The Governor of St. Maarten
The Advisory Council
The General Audit Chamber
The St. Maarten Timeshare Association