

OFFICIAL TRANSLATION

I, undersigned, lic. Karel Thijs, LL.M., certify that I am a sworn translator with the Court of First Instance of Aruba and that the following English text, comprising 21 (twenty-one) pages, is a true and accurate translation of the original document in Dutch.

Full Title

NATIONAL ORDINANCE regulating a general, mandatory insurance against financial consequences of old age, covering the entire population

CHAPTER 1 General Provisions

Article 1

For the purposes of the provisions laid down in or under this national ordinance:

- "minister" means the Minister of Public Health, Social Development, and Labor;
- "Bank" means the Country of Sint Maarten or an implementing organization designated by the Country of Sint Maarten by national decree;
- "resident" means any person living in Sint Maarten;
- "inspector" means:
 - a. with regard to an employer whose place of residence or place of establishment or, in the absence thereof, for purposes of profits tax, permanent establishment or permanent representative is located in Sint Maarten: the Inspector of Taxes;
 - b. with regard to an insured person whose place of residence is in Sint Maarten at the start of the year concerned or at the time he/she becomes liable to pay premiums in the course of the year: the Inspector of Taxes.

Article 2

1. Where a person lives shall be assessed according to the circumstances, to the extent not otherwise provided in the following paragraphs.
2. Those who is [sic] going to leave Sint Maarten and give up residence there, but take up residence in Sint Maarten again within one year shall be considered to have lived in Sint Maarten also during their absence, unless it is shown that, during their absence, they lived within the territory of the Netherlands or of a foreign State.
3. Those who stay in Sint Maarten temporarily and either live in the Netherlands or are considered to live there under locally applicable legislation on income-dependent taxation shall be considered not to be living in Sint Maarten if the time of their stay does not exceed one year.

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Article 3

1. The implementation of the insurance regulated in this national ordinance shall be carried out by the Bank, with the understanding that the levy of premiums shall be carried out by the inspector.
2. To the extent the implementation of the insurance regulated in this national ordinance is carried out by the Bank, the minister may issue further rules on the records to be kept and the registration of insured persons.

Article 4

1. A national decree containing general measures may be issued to grant powers related to the implementation of this national ordinance to authorities of Sint Maarten and to give such authorities instructions and directions.
2. Whenever Sint Maarten authorities have been granted powers under the preceding paragraph, the provisions of this national ordinance and of any decrees issued for the purpose of implementing this national ordinance shall apply, subject to any amendments that may be required by the nature of the matter.

CHAPTER II The Circle of Insured Persons

Article 5

1. Insured under the provisions of this national ordinance is any person who has reached the age of 15 years but not that of 60 years, if such person:
 - a. is a resident;
 - b. is not a resident but, for purposes of income tax, is taxed as a taxpayer living in Sint Maarten;
 - c. is not a resident and cannot be considered to permanently live outside of Sint Maarten either, but enjoys a salary or wages payable by Sint Maarten for work performed outside of Sint Maarten, provided he/she is Dutch.
2. Not insured is any foreigner who cannot be considered to permanently live in Sint Maarten and enjoys a salary or wages payable by another power for work performed in Sint Maarten.
3. A national decree containing general measures may be issued to designate as insured persons within the meaning of this national ordinance persons who are not insured under the first paragraph.
4. A national decree containing general measures may be issued to depart from the provisions of the first paragraph:

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- a. with regard to foreigners;
- b. to prevent the insurance under this national ordinance from concurring with that of a similar scheme outside of Sint Maarten;
- c. in cases of temporary residence or temporary work in Sint Maarten;
- d. with regard to spouses and other relatives of the persons referred to in the second paragraph and in this paragraph under letters b and c.

CHAPTER III The Old-Age Pension

§ 1. Entitlement to an Old-Age Pension

Article 6

Any person who has been insured and has reached the age of 60 years shall be entitled to an old-age pension under the provisions of this national ordinance.

Article 7

1. The old-age pension shall be ANG 674.00 per month.
2. The pension amount stated in the first paragraph shall be adjusted by national decree containing general measures to developments in family consumption price index figures, subject to the third paragraph.
3. Adjustment of the pension amount shall occur as of the first day of any calendar year based on the increase shown in the family consumption price index figure for the preceding month of August as compared to the price index figure for the month of August in the preceding year.

Article 7a

1. Any person who has been granted an old-age pension and is married to a person younger than 60 years shall be entitled to a supplement not to exceed ANG 461.00 per month, to the extent the joint income does not exceed ANG 12,000.00 per year.
2. The supplement shall be made payable by the Bank to the person to whom the person the old-age pension has been granted to is married. As a rule, payment shall be monthly.
3. The supplement shall end:
 - a. when the person to whom the person the old-age pension has been granted to is married has reached the age of 60 years;
 - b. upon dissolution of the marriage in the cases referred to in Article 149 of Book 1 of the Civil Code;

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- c. upon the death of the person the old-age pension has been granted to or of the person to whom the person the old-age pension has been granted to is married;
 - d. in the event the pension or supplement is revoked;
 - e. when the joint income referred to in the first paragraph exceeds ANG 12,000.00 per year.
4. The term "income" in the first paragraph and the third paragraph, letter e, means the net income referred to in the National Ordinance on Income Tax less any pension paid under this national ordinance.
 5. The supplement shall end as of the month following the month in which the fact or the circumstance referred to in the third paragraph that causes the supplement to end occurred or arose.
 6. Articles 12, 13, second through fourth paragraphs, 14, 15, 16, 18, 19, 22, 22a through 22c, 23, 24, second paragraph, 34, 37, 38, 44, first paragraph, 47, 48 and 52 shall apply by analogy to the supplement.
 7. The supplement shall be subject to a reduction of:
 - a. 2% for each calendar year located before January 1, 1975, of 2 1/8% for each calendar year between 1975 and December 31, 1990, and of 2 2/9% for each calendar year after December 31, 1990, in which a person who is married to a person as referred to in the first paragraph, except in cases to be specified by national decree containing general measures, was not insured after the person to whom he/she is married reached the age of 15 years but before this person reached the age of 60 years;
 - b. 3% for each annual premium under this national ordinance which the person married to a person as referred to in the first paragraph culpably failed to pay.
 8. Article 20 shall apply by analogy to the supplement, with the understanding that upon the death of the person to whom the person the old-age pension has been granted to is married, an amount of four times the old-age pension stated in Article 7, first paragraph, shall be paid.
 9. In the event of adjustment of the pension amount as referred to in Article 7, second paragraph, the amounts stated in Article 7a, first paragraph and third paragraph, letter e, may be adjusted in a similar way.

Article 8

1. The amount referred to in Article 7, first paragraph, shall be subject to a reduction of 2% for each calendar year located before January 1, 1975, of 2 1/8% for each calendar year between 1975 and December 31, 1990, and of 2 2/9% for each calendar year after December 31, 1990, in which the pension-eligible person was not insured after reaching the age of 15 years but before reaching the age of 60 years.

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2. The amount stated in Article 7, first paragraph, shall be subject to a 3% reduction for each annual premium under this national ordinance which the pension-eligible person culpably failed to pay.
3. A national decree containing general measures shall be issued, after hearing the Bank, to provide rules on the conversion of parts of annual premiums to full annual premiums and of parts of calendar years, referred to in the first and second paragraphs, as well as Article 7a, to full calendar years.
4. After the reduction referred to in the first and second paragraphs, the old-age pension shall be rounded up or down to full guilders.

§ 2. Granting, Start, Revocation, Revision, Payment, and End of the Old-Age Pension

Article 9

1. An old-age pension, as well as any increase in such old-age pension, shall be granted, upon request, by the Bank.
2. As a departure from the provision of the preceding paragraph, the Bank may grant an old-age pension, as well as any increase in such old-age pension, *ex officio*.

Article 10

An application for an old-age pension, as well as for an increase in such old-age pension, shall be filed at the location designated by the minister.

Article 11

1. The old-age pension shall start on the first day of the month following the month in which the interested person meets the conditions for entitlement to an old-age pension.
2. As a departure from the provision of the first paragraph, an old-age pension may not start earlier than one year before the first day of the month following the month in which the application was filed or in which the old-age pension was granted *ex officio*. In special cases, the Bank may depart from the provision of the preceding sentence.

Article 12

1. An old-age pension shall be revoked or revised by the Bank when the person to whom it was granted is not or not [sic] or no longer eligible for such pension under the provisions

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laid down in or under this national ordinance, or is eligible for a higher or lower old-age pension.

2. A revision of an old-age pension that arises from a change in circumstances and results in an increase in such pension shall become effective as of the first day of the month following the month in which such change of circumstances occurred. The provision of Article 11, second paragraph, shall apply by analogy.
3. A revocation of an old-age pension or a revision of an old-age pension that leads to a decrease in such pension shall become effective – except in cases to be specified by national decree containing general measures – on the first day of the month following the month containing the day of the date of the notification under Article 37, first paragraph, letter a.
4. A revision of an old-age pension that is related to the provision laid down in the last paragraph of Article 7 shall become effective – as a departure from the provisions of the second and third paragraphs – on the day as of which the amounts stated in Article 7 were revised under the last paragraph of Article 7.
5. A national decree containing general measures may be issued to provide further rules for the implementation of the provisions of this article. Such national decree may also provide rules on the suspension and deferral of payment of an old-age pension.

Article 13

1. An old-age pension shall be made payable by the Bank. As a rule, payment shall be monthly.
2. In the event a pension is paid abroad, the related transfer costs shall be deducted from the pension.
3. When a pensioner gives another person a power of attorney to collect the old-age pension, or revokes a power of attorney previously granted, such action shall be acted upon as of a payment period starting after the day on which such power of attorney was filed or its revocation was notified, but not later than the first day of the second month following the day of filing or revocation of the power of attorney.
4. A national decree containing general measures may be issued to provide rules on the payability of an old-age pension by bodies charged with paying pensions otherwise than by virtue of this national ordinance.

Article 14

1. In the event a pensioner under this national ordinance is being cared for or nursed in a mental institution or by or on behalf of a charitable institution recognized by the public

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authorities and the costs of care or nursing are charged in whole or in part to a public body or a charitable institution as referred to earlier, the old-age pension may, at the request of the body in question, be paid to this body for any full calendar months that lie within the duration of the care or nursing, to the extent the pension has not yet been paid for those months, with the understanding that the body shall not be paid more than the amount of the costs of care and nursing charged to such body.

2. To the extent an old-age pension was not paid to the pensioner as a result of the provisions of this article, it shall, following the pensioner's death – and, if required, as a departure from the provisions of Article 17 – be paid to the body referred to in the first paragraph of this article through the last day of the month in which the death occurred.

Article 15

Any installments of an old-age pension that have not been claimed within two years after the first day on which they could be claimed shall no longer be paid.

Article 16

1. Subject to the provision of the following paragraph, no installments of an old-age pension may be claimed back once they have been paid.
2. In the event an old-age pension has been revised or revoked retroactively under the provision of Article 12, third paragraph, any pension paid in excess or wrongfully may be claimed back in whole or in part or deducted from a pension to be paid later.

Article 17

1. Without prejudice to the other provisions of this national ordinance, an old-age pension shall end by:
 - a. death;
 - b. revocation.
2. Without prejudice to the other provisions of this national ordinance, an old-age pension shall end as of the month following the month in which the fact occurred or the circumstance arose that causes the pension to end.

Article 18

1. An old-age pension:
 - a. is inalienable;
 - b. cannot be pledged or used to borrow money on;
 - c. cannot be subject to executory or conservatory attachment nor to bankruptcy attachment, except to the extent it serves to recover alimony which the pensioner is liable to pay under the law.

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2. To the extent an attachment is levied under the first paragraph, letter c, such attachment may not affect more than one-third of the amount of the old-age pension.
3. A power of attorney to collect an old-age pension, granted by the pensioner under any form or any name, may be revoked at any time.
4. Every clause contrary to any provision of this article shall be null and void.

Article 18a

1. By virtue of treaties, covenants, and other sorts of agreements with implementing bodies of social security institutions, the Bank may reduce the old-age pension of a pension-eligible person in order to take away a wrongfully obtained benefit of such pension-eligible person in the field of social security benefits.
2. Likewise, the Bank may reduce the old-age pension of a pension-eligible person in order to take away a wrongfully obtained benefit of such pension-eligible person in the field of social insurance laws implemented by the Bank.
3. The reductions referred to in the first and second paragraphs may be applied at once if the wrongfully enjoyed benefit does not exceed one-third of the old-age pension provided by the Bank. In all other cases, the reduction may not exceed one-third of the old-age pension.

§ 3. Consequences of the Death of a Pension-Eligible Person or of the Death of His or Her Spouse

Article 19

1. Following the death of the person to whom an old-age pension has been granted, the pension shall be paid through the last day of the month in which the death occurred.
2. The payment referred to in the first paragraph shall be made to the person or persons who, in the Bank's opinion, is or are eligible for such payment on considerations of fairness, provided such person has or such persons have filed an application for such payment with the Bank within six months after the death.

Article 20

1. Following the death of the person to whom an old-age pension has been granted, a lump sum equal to four times the old-age pension stated in Article 7, first paragraph, shall be paid to the person or persons who, in the Bank's opinion, is or are eligible for such payment on considerations of fairness, provided such person has or such persons have filed an application for such payment with the Bank within six months after the death.

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2. The benefit referred to in the first paragraph shall be made payable in the month following the month in which an application as referred to in the first paragraph was filed with the Bank.

§ 4. Provision upon Departure from Sint Maarten

Article 21

1. An insured person who is going to live outside of Sint Maarten shall, upon request, be issued a certificate by the Bank stating the number of years which the insured person can enforce for his/her rights under this national ordinance up to the day of his/her departure from Sint Maarten. Before such certificate is issued, the insured person must pay all premiums due by him/her up to the day of his/her departure.
2. A national decree containing general measures shall be issued, after hearing the Bank, to provide rules on the granting and payability of old-age pensions for persons [who] is [sic] going to leave Sint Maarten and give up residence there.

§ 5. Guarantee of Obligations Arising from this National Ordinance

Article 22

Sint Maarten shall guarantee, without any reservation, payment by the Bank of the old-age pension and the amount stated in Article 20 to which entitlement exists under this national ordinance.

§ 6. Christmas Bonus

Article 22a

1. Any person who is entitled to an old-age pension in the month of September shall be entitled to a Christmas bonus.
2. For the purposes of this section, persons entitled to an old-age pension shall include any person to whom an old-age pension is paid under Article 19.

Article 22b

1. The Christmas bonus shall be 100% of the amount of the old-age pension to which entitlement existed in the month of September.
2. Payment of the Christmas bonus shall take place *ex officio* once a year in the first half of the month of December. The minister may provide further rules on this payment.

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3. Any amount of the Christmas bonus that has not been claimed within six months after the first day it could be claimed shall no longer be paid.

Article 22c

The provisions laid down in or under Articles 13, 14, 16, 18, 19, 22 and 34 shall apply by analogy to the Christmas bonus, to the extent not otherwise provided in or under this section.

The minister may provide further rules with regard to the provisions of this section. Such rules may depart from the provision of Article 22b, second paragraph.

CHAPTER IV The Means to Be Produced

Article 23

The means required to cover the pensions and the benefits referred to in Article 20 to be paid under this national ordinance and the costs related to the implementation of this national ordinance, as well as the means required to create and maintain a reserve to be determined by national decree containing general measures shall be found by levying premiums on the insured persons and from other revenue.

Article 24

1. Premiums shall be paid into an Old-Age Fund to be managed by the Bank.
2. The pensions to be paid under this national ordinance, the benefits referred to in Article 20, as well as the costs related to the implementation of this national ordinance shall be charged to the Old-Age Fund.

Article 25

A national decree containing general measures shall be issued to provide rules on the investment of the moneys of the Old-Age Fund.

Article 26

1. Subject to the provisions of the following paragraphs, premiums shall be levied based on the income enjoyed by an insured person in one calendar year, and fixed at a percentage of such income. With regard to any person who has only been insured for part of a calendar year, such part shall replace the calendar year.
2. The term "income" means the net income as referred to in the National Ordinance on Income Tax plus any general old-age insurance and general widows' and orphans' insurance premiums that may be deducted as personal charges under said national ordinance, less any

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pensions and benefits paid under this national ordinance and the National Ordinance on General Widows' and Orphans' Insurance.

3. If the income exceeds ANG 49,745.83 per year, no premiums shall be levied on the excess. The amount of ANG 49,745.83 shall be reduced in proportion to the time span for any person who has not been insured the entire year.
4. No premiums shall be levied on insured persons who do not work as employees, or do not work as employees throughout the calendar year, and whose income is less than ANG 5,923.74 per year, to the extent such premiums have not been levied through withholding.
5. On insured persons who do not work as employees, or do not work as employees throughout the calendar year, and whose income is not less than ANG 5,923.74 but is less than ANG 46,086.11 per year, premiums as referred to in the first paragraph, to the extent they have not been levied through withholding, shall only be levied in part in accordance with rules to be provided by national decree containing general measures.
6. A national decree containing general measures may be issued to provide further rules with regard to the first through fourth paragraphs and, in the event of adjustment of the pension amount referred to in Article 7, second paragraph, to likewise adjust the amounts stated in the third through fifth paragraphs.

Article 27

1. The premium percentage referred to in Article 26, first paragraph, shall be 13. This percentage may be adjusted by national decree containing general measures, after hearing the board of directors of the Bank.
2. As a rule, the premium percentage shall each time be fixed for a five-year period, in such a way that the total of premiums to be received in the next period will be enough to cover the expenses of the Old-Age Fund in that period as well as to create and maintain the reserve referred to in Article 23.

Article 28

The Minister of Finance, having regard to the premium percentage fixed, may have the premiums due under this national ordinance calculated in accordance with tables. In preparing and for the implementation of such tables, the Minister of Finance shall determine the procedure for rounding amounts up or down, if he considers this necessary.

Article 29

1. Unless otherwise provided in or under this national ordinance, the levy of premiums due under this national ordinance, subject to offsetting against any premiums levied under the second paragraph, shall be carried out through assessment and with analogous application

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of the rules governing the levy of income tax, with the understanding that an insured person who receives no assessment for income tax shall nevertheless be imposed an assessment for the premiums due by him or her.

2. Premiums of insured persons who work as employees shall be levied through withholding by the employer. If the total premium due in a particular year under Article 26, first paragraph, has been levied through withholding, the provision of the preceding paragraph shall not apply.
3. The provisions of Article 3, paragraphs 2, 3, 4 and 5, Article 4, paragraphs 2 and 4, Article 21, paragraph 1, and Articles 21a, 21b, 21c and 21d of the National Ordinance on Wage Tax shall apply by analogy to the premiums due under this national ordinance, with the understanding that "employer(s)" should be read wherever "withholding agent(s)" is used.
4. Premiums, administrative fines, and anything else which the Bank may claim under this national ordinance shall be collected in accordance with the rules applicable to the collection of direct taxes, with the understanding that such collection shall be the duty of the Bank instead of the Collector.
5. The minister and the Minister of Finance shall provide rules on anything that needs to be regulated in more detail with regard to the levy, collection, and payment of premiums under this national ordinance.
6. A national decree containing general measures may be issued to provide further rules for specific persons or groups of persons with regard to the provisions of this article.

Article 29a

1. An employer shall have an obligation to pay the premium which he has withheld or should have withheld in a period of one month or shorter, within 15 days after the end of such month, on the basis of a declaration. If the withholding is carried out for a period longer than a month, the employer shall have an obligation to pay the contribution within 15 days after the end of such period, on the basis of a declaration.
2. The declaration shall be filed with the Bank simultaneously with the payment. If, however, an authority has been designated under Article 4, the declaration shall be filed with such authority.
3. The inspector may allow the filing of the declaration to be deferred under conditions to be set by the inspector.
4. The inspector may require an employer who has to pay a premium for a period longer than one month to pay part of the premium to be withheld by way of provisional payment within 15 days after the end of each month.

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5. Also in cases in which no premium needs to be withheld, a declaration shall be filed at the times stated in the preceding paragraphs. Persons alleging not to be employers shall nevertheless file the declaration forms provided to them, within 15 days after the end of the month in which such declaration forms were provided to them.
6. The inspector shall provide the withholding agent with the required number of declaration forms, either at the withholding agent's request or *ex officio*.

Article 29b

1. In the event all or part of a premium has not been paid within the established period, the pending amount may be claimed by means of an assessment to be imposed in the name of the employer. The employer shall have the right to recover the additional levy from his employee to the extent it concerns a premium wrongfully not withheld from the employee.
2. The premium to be included in the assessment may, by way of a fine, be increased by up to 100%, but not less than ANG 15.00. The employer may not recover this fine from his employees.
3. If the obligation imposed in the fifth paragraph of the preceding article is not met and, as a result, the assessment must be reduced fully, the fine shall be ANG 15.00.

Article 30

1. If, during the preparation of the premium assessment or while checking the premium withheld by employers, it turns out that too much or not enough was withheld, or too much or not enough was paid on a provisional premium assessment, any excess amount shall be refunded and any pending amount shall be claimed.
2. No refund or claim as referred to in the preceding paragraph shall be made if the amount to be refunded or claimed is less than ANG 5.00.
3. In the case referred to in the second paragraph, no final premium assessment shall be imposed.

Article 31

1. In the event an insured person has failed to pay, in whole or in part, the premium due in a specific year, the Bank shall keep a record of this if the Bank decides that such failure was culpable. The insured person shall be notified of such record.
2. In cases in which a record has been made as referred to in the first paragraph, the insured persons may still pay all or part of the overdue premiums during five years following notification of the record. To the extent the overdue premiums have eventually been paid,

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the record referred to in the first paragraph shall be canceled and the insured person shall not be considered to culpably have been in default in the period concerned.

3. A national decree containing general measures may be issued to provide further rules with regard to the provisions of the preceding paragraphs.

Article 32

1. Any person who has an obligation to pay a premium under the provisions of this national ordinance shall have an obligation to declare his or her income.
2. In cases in which no declaration was filed and, as a result, no premium or an insufficient premium was wrongfully paid, the insured person shall be considered to culpably have defaulted on payment of the premium for the year in question.

Article 33

1. In the cases, under the conditions, and in accordance with the rate to be determined by national decree containing general measures, insured persons and former insured persons under an age to be determined by national decree containing general measures, which may not be set higher than 60 years, may pay premiums for periods following the time they reached 15 years of age in which they are or were not insured.
2. Any person using the right referred to in the first paragraph shall be considered an insured person during the time for which the premium was paid.

CHAPTER V Disclosing Information

Article 34

A pensioner to whom, as well as a body to which, all or part of a pension is paid under the provisions of Article 14 shall have an obligation to inform the Bank in writing of any change in facts or circumstances that may constitute a reason to revoke or reduce the pension, within 14 days after such facts or circumstances occurred.

Article 35

1. Everyone shall have an obligation to provide the Bank, any body charged with implementing any part of this national ordinance, or any person designated by or on behalf of such authorities with any information requested of him or her for the purpose of implementing this national ordinance.
2. If requested, the information shall be provided in writing within a period to be set in writing by an authority or person as referred to in the first paragraph.

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3. Upon request, everyone shall have an obligation to allow an authority as referred to in the preceding paragraph or any person designated for this purpose by or on behalf of such authority to inspect books, records, and any other data carriers to the extent this is required to implement this national ordinance.

Article 36

1. Public-law bodies shall have an obligation to provide, in the way to be indicated by the Minister of General Affairs, and free of charge, any assistance required to obtain the information necessary to implement this national ordinance.
2. The minister shall have an obligation to see to it that any information requested by any of the authorities referred to in the first paragraph of Article 35 is sent to such authorities free of charge.

CHAPTER VI Objection and Appeal

Article 37

1. An interested party shall be notified in writing of any decision under this national ordinance which:
 - a. is related to entitlement to and payment of a pension or benefit or Christmas bonus;
or
 - b. is related to a record as referred to in the first paragraph of Article 31.
2. A notification as referred to in the first paragraph shall state the date of the decision, the grounds it is based on, and the authority where an appeal may be filed.
3. The provisions of the preceding paragraphs shall only apply to a decision about entitlement to a Christmas bonus if the interested party so requests.

Article 38

A decision that has been notified in writing under Article 37 may be appealed by an interested party to the Court of First Instance within six weeks after such decision was given, except if it is a decision under Article 19, third paragraph, to the extent the benefit referred to there has been granted on grounds of fairness, or a decision under Article 20, third paragraph, or a decision under Article 22c, first paragraph, in conjunction with Article 13, second paragraph, or Article 19, third paragraph.

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Article 39

1. To the extent not otherwise provided in or under this national ordinance, the rules in terms of legal remedies applicable to the levy of income tax shall apply by analogy depending on whether the premiums and fines due under this national ordinance are levied by means of an assessment or through withholding.
2. The inspector shall not rule on a notice of objection until after it has become certain that no facts and circumstances are in dispute that are also relevant to the levy of income tax, or, to the extent this is the case, until the decision about such facts and circumstances for the levy of said tax has become irrevocable.
3. With regard to an additional tax assessment which, in whole or in part, is based on facts that have also prompted the imposition of an additional income tax assessment against the interest party, the period for filing an appeal shall not start until the date on which the latter additional assessment has become irrevocable.
4. No appeal shall be allowed against anything irrevocably established with regard to the implementation of Article 2 of this national ordinance or about the net income as referred to in the National Ordinance on Income Tax for the purpose of levying said tax.

CHAPTER VII Transitional Provisions

Article 40

[repealed]

Article 41

[repealed]

Article 42

[repealed]

Article 43

[repealed]

CHAPTER VIIA Supervision

Article 43a

1. The supervision of compliance with the provisions laid down in or under this national ordinance shall be entrusted to the persons designated for this purpose by national decree. Such designation shall be announced in the *Landscourant*.

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2. Only to the extent reasonably required to fulfill their duties, the persons designated under the first paragraph may:
 - a. request any information;
 - b. demand inspection of any books, records, and other data carriers and make copies thereof or temporarily take them away for this purpose;
 - c. enter any places, except for homes without the occupant's express consent, accompanied by any persons they may designate.
3. If required, access to a place as referred to in the second paragraph, letter c, may be gained with the help of the police.
4. A national decree containing general measures may be issued to provide rules on the way the persons designated under the first paragraph are to fulfill their duties.
5. Everyone shall have an obligation to provide the persons designated under the first paragraph with any assistance that may be required in connection with the supervision under the second paragraph.

CHAPTER VIII Penalty Provisions

Article 44

1. Whoever fails to meet the obligation imposed under Article 34 shall be punished by detention of up to six months or a fine of up to six hundred guilders.
2. An employer who fails to meet the obligation imposed under Article 58 shall be punished by detention of up to six months or a fine of up to one thousand guilders. This punishment may be imposed for each case in which an employer fails to meet the obligation referred to in this paragraph for any one of his employees.
3. Whoever fails to meet, or fully meet, the obligation imposed upon him or her under Article 29a shall be punished by imprisonment of up to two years or a fine of up to ten thousand guilders.

Article 45

Whoever has an obligation under the provisions laid down in or under this national ordinance to disclose information or data, file a declaration or notice or make a statement and, in doing so, deliberately makes a false statement or deliberately conceals something in violation of such obligation shall be punished by imprisonment of up to two years.

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Article 46

Whoever, otherwise than by falsely preparing or forging a document intended to serve as evidence of any fact, deliberately makes a statement contrary to the truth for the purpose of securing a benefit or a higher benefit under this national ordinance shall be punished by imprisonment of up to two years.

Article 47

Violation of provisions of a national decree containing general measures issued under this national ordinance, to the extent expressly identified as a punishable act within the meaning of this article, shall be punished by detention of up to one month or a fine of up to one hundred guilders.

Article 48

[repealed]

Article 49

1. The criminal investigation of acts made punishable in this national ordinance shall rest, in addition to the persons referred to in Article 184 of the Code of Criminal Procedure, with the officials designated for this purpose by national decree. Such designation shall be announced in the *Landscourant*.
2. A national decree containing general measures may be issued to provide rules on the requirements to be met by the officials designated under the first paragraph.

Article 50

[repealed]

Article 51

1. The persons referred to in Article 43a shall have an obligation to keep confidential anything they may have learned while monitoring compliance with the provisions laid down in or under this national ordinance, to the extent such confidentiality is not contrary to this or any other general ordinance.
2. Whoever deliberately violates the obligation of confidentiality imposed under the preceding paragraph shall be punished by imprisonment of up to six months or a fine of up to six hundred guilders.
3. Any person on whose negligence the violation of such obligation of confidentiality can be blamed shall be punished by detention of up to three months or a fine of up to three hundred guilders.

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4. No prosecution shall take place but upon complaint of the persons with regard to whom the obligation of confidentiality has been violated.

Article 52

The punishable acts referred to in Article 44, third paragraph, and Articles 45, 46 and 51 shall be considered criminal offenses. The punishable acts referred to in Article 44, first and second paragraphs, and Article 47 shall be considered infractions.

CHAPTER IX Final Provisions

Article 53

Anything else that may be required to implement this national ordinance shall be regulated by national decree containing general measures.

Article 54

If the pension scheme of any pension fund or employer dating back to before May 28, 1960, includes provisions under which a statutory old-age pension is, in whole or in part, to be deducted from the pension to be paid, regard shall be had to the following when implementing such provisions:

1. The pension to be paid or already granted shall not be reduced by more than the part of the old-age pension that is proportionate to the part of the premium due under this national ordinance paid by the employer or the pension fund.
2. Except in cases to be specified by the minister, any increase in the old-age pension under this national ordinance that occurs after the date of termination of active participation in the pension scheme shall not be deducted from the pension.
3. It is not allowed to deduct 2% of the old-age pension for each year the pension-eligible person paid the full premium out of his/her own pocket following retirement.
4. It is not allowed to deduct 2% of the old-age pension of the widow of the pension-eligible person for each year the pension-eligible person paid the full premium out of his/her own pocket following retirement.
5. Any payable pension already granted that is incomplete due to failure to reach the number of years of service or participation required for a full pension shall not be reduced by more than the part of the portion of the old-age pension eligible for reduction under this national ordinance, which is proportionate to the part of the full pension that makes up the pension to be paid by the employer or the pension fund.

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6. In the event an old-age pension is enjoyed from one than one fulfilled employment relationship, and several employers and several pension funds can, under the provision of the first paragraph of this article, apply a reduction to the old-age pension payable by them, the total part eligible for reduction of the old-age pension granted under this national ordinance shall be divided among such employers and pension funds in proportion to the number of years of service or participation of the pension-eligible person with each of such employers and pension funds.
7. It is not allowed to deduct adjustments to the pension amounts under the provision of Article 7, sixth paragraph.

Article 55

1. Any amendments to the pension scheme of a pension fund or employer by which:
 - a. provisions are included under which the old-age pension under this national ordinance is deducted in whole or in part from the pension promised or already granted by the fund or the employer; or
 - b. provisions as referred to in Article 54 are revised or redefined;
 - c. the pension scheme applicable to existing employees is adjusted to the provisions under this national ordinance,shall require the approval of the minister.
2. If provisions as referred to in the first paragraph, letter a, are included in a pension scheme, regard shall be had, when implementing such provisions, to the fact that, except in cases to be specified by the minister, an increase in the old-age pension under this national ordinance effected after termination of active participation in the pension scheme shall not be deducted from the pension.

Article 56

For the purposes of the provisions of Articles 54 and 55, a national decree containing general measures may be issued to provide further rules.

Article 57

Any amendments as referred to in Article 55 for which the approval of the minister has been obtained shall be binding on all persons that are retired or have the prospect of a pension under the pension scheme in question.

Article 58

Employers with employees insured under this national ordinance shall pay such employees a bonus on their wages to compensate for the premium due by him [sic]. This bonus shall be at least 7% of the wages on which premiums are due under this national ordinance.

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Article 59

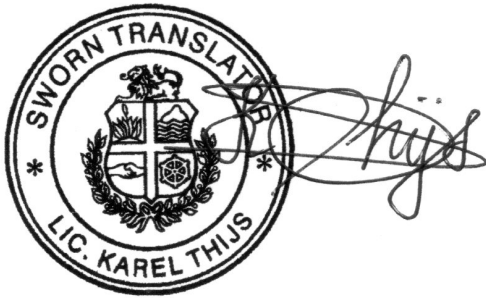
When the Old-Age Fund temporarily does not have enough means to cover the benefits and costs to be paid by this fund under the second paragraph of Article 24, Sint Maarten shall provide the fund with interest-free advances, subject to conditions to be set by the minister and the Minister of Finance.

Article 60

All documents, application forms, and decisions prepared and filed under this national ordinance shall be free from stamp duty and from the formality of registration.

Article 61

1. This national ordinance may be cited as: National Ordinance on General Old-Age Insurance.
2. [Regulates its entry into force]



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