



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 30 April 2026

No. 8901

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## Government Notices

### MINISTRY OF FINANCE

No. 147

2026

#### COMMENCEMENT OF FINANCIAL INSTITUTIONS AND MARKETS ACT, 2021

Under section 468 of the Financial Institutions and Markets Act, 2021 (Act No. 2 of 2021), I determine that the Act comes into operation on 1 May 2026, except for –

- (a) the definition of “Adjudicator” in section 1;
- (b) paragraph (d) of the definition of “financial services law” in section 1;
- (c) paragraph (v) of subsection (2) of section 112;
- (d) paragraph (b) of the definition of “defined contribution fund” in section 249; and
- (e) paragraph (b) of subsection (1) of section 427,

of that Act.

**ERICA SHAFUDAH**  
**MINISTER OF FINANCE**

Windhoek, 30 April 2026

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**MINISTRY OF FINANCE**

No. 148

2026

**COMMENCEMENT OF NAMIBIA FINANCIAL INSTITUTIONS SUPERVISORY  
AUTHORITY ACT, 2021**

Under section 63 of the Namibia Financial Institutions Supervisory Authority Act, 2021 (Act No. 3 of 2021), I determine that the Act comes into operation on 1 May 2026, except for –

- (a) the definitions of “Adjudicator”, “Financial Services Adjudicator Act” and “Office of the Adjudicator” in section 1;
- (b) the reference to “the Office of the Adjudicator” in paragraph (d) of subsection (2) of section 4;
- (c) the reference to “and the Office of the Adjudicator” in subsection (2) of section 31; and
- (d) the reference to “the Financial Services Adjudicator Act” in paragraph (b) of subsection (2) of section 55,

of that Act.

**ERICA SHAFUDAH**  
**MINISTER OF FINANCE**

Windhoek, 30 April 2026

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**MINISTRY OF FINANCE**

No. 149

2026

**REGULATIONS RELATING TO INSURANCE, FINANCIAL MARKETS, RETIREMENT  
FUNDS, FRIENDLY SOCIETIES, MEDICAL AID FUNDS AND RELATED MATTERS:  
FINANCIAL INSTITUTIONS AND MARKETS ACT, 2021**

Under section 465 of the Financial Institutions and Markets Act, 2021 (Act No. 2 of 2021), I have made the Regulations Relating to Insurance, Financial Markets, Retirement Funds, Friendly Societies, Medical Aid Funds and Related Matters as set out in the Schedule.

**ERICA SHAFUDAH**  
**MINISTER OF FINANCE**

Windhoek, 30 April 2026

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PART 1  
PRELIMINARY

**General definition**

1. In these regulations, a word or an expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates –

“health policy”, for the purposes of section 8(1) of the Act, means a health policy contract –

- (a) in terms of which a registered insurer, in return for a premium, undertakes to provide policy benefits on the occurrence of a health event and, in relation to –
  - (i) short-term insurance business includes a health policy as described in regulation 8(3); and
  - (ii) long-term insurance business includes a health policy as described in regulation 9(2), and
- (b) that meets the requirements of regulations 10, 43, 44, 45 and 46;

“repurchase rate” means the benchmark rate at which private sector banking institutions borrow money from the Bank of Namibia; and

“the Act” means the Financial Institutions and Markets Act, 2021 (Act No. 2 of 2021).

## PART 2 INSURANCE

### Definitions for this Part

**2.** In this Part, a word or an expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates –

“gap insurance”, in relation to –

- (a) short-term insurance business, means gap insurance as described in regulation 8(1); and
- (b) long-term insurance business, means gap insurance as described in regulation 9(2);

“micro-insurance” means insurance provided by the registered insurers referred to in regulation 3(a) to (c), the policy benefits of which must not exceed the amounts set out in Annexure 1;

“micro-insurance business” means the business of providing or undertaking to provide policy benefits under a micro-insurance policy;

“micro-insurance policy” means –

- (a) any contract for long-term insurance or short-term insurance, either on an individual or a group basis, in terms of which a micro-insurer, in return for a premium, undertakes to provide a person or group with policy benefits, not exceeding such amounts as set out in Annexure 1, whether in monetary or non-monetary terms; and
- (b) an insurance policy sold under any plan which has been specifically designed in accordance with Annexure 1;

“micro-insurance product” includes any micro-insurance policy for long-term insurance or short-term insurance and the proposal forms and all marketing materials, that meet the requirements of regulation 5; and

“micro-insurer” means an insurer referred to in regulation 3(a) to (c).

### Applicability

**3.** This Part applies to –

- (a) insurers registered to carry on micro-insurance;
- (b) insurers registered to carry on long-term insurance and micro-insurance;
- (c) insurers registered to carry on short-term insurance and micro-insurance;
- (d) all registered insurers and registered reinsurers; and
- (e) all insurers registered to carry on life insurance business and to all registered insurance intermediaries.

**Micro-insurance intermediaries**

4. (1) For the purposes of these regulations and the Act, a micro-insurance intermediary is regarded as –

- (a) a financial intermediary within the meaning of paragraph (a) of the definition of “financial intermediary” in section 1 of the Act; and
- (b) a registered insurance intermediary within the meaning of section 53 of the Act,

and performs functions and exercises powers under the Act, subject to Part 7 of Chapter 2 of the Act.

(2) A micro-insurance intermediary may include –

- (a) a civil society organisation;
- (b) a self-help group;
- (c) a micro-finance institution;
- (d) a corporate body;
- (e) a funeral parlour; or
- (f) a co-operative society.

(3) In addition to selling and marketing micro-insurance products and services, a micro-insurance intermediary may perform any or all of the following functions –

- (a) collection of proposal forms;
- (b) collection and remittances of premiums;
- (c) distribution of policy documents;
- (d) assistance in the settlement of claims; and
- (e) policy administration services.

(4) A micro-insurance intermediary may, with prior approval of the micro-insurer, employ other persons for the purpose of discharging all or any of the functions set out in these regulations.

(5) Every micro-insurance intermediary and any person employed by the micro-insurance intermediary in accordance with subregulation (4), must at all times comply with the provisions of the Act, these regulations and standards made or issued under the Act and any guidelines, bulletins, rules, directives or other measures that may be issued under the Act.

(6) A person who contravenes or fails to comply with subregulation (5) is liable to any administration action and to the sanctions that may be imposed by NAMFISA on financial intermediaries or persons subject to regulation by NAMFISA under the Act.

**Micro-insurance products**

5. (1) To qualify as a micro-insurance product, the micro-insurance policy must comply with the following requirements –

- (a) the policy must not be for a guarantee as envisaged in item 5, for aviation as envisaged in item 3, for marine as envisaged in item 2, or have a co-insurance feature as envisaged in item 8, of Part 2 of Schedule 1 to the Act; and
  - (b) the policy must not include fund or sinking fund insurance business.
- (2) The minimum and maximum amounts of policy benefits under a micro-insurance policy must be capped in accordance with Annexure 1.
- (3) All policy benefits under a micro-insurance policy must be defined on a first loss or sum assured basis, meaning insurance that provides a defined benefit upon a defined event, but subject to Annexure 1.
- (4) Initial pricing and any subsequent price changes on a micro-insurance policy must be based on verifiable risk considerations as attested to by an actuary who meets the requirements of Standard No. PRE.S.1.1 - Categories of Professions and Persons of which an Expert must be a Member for the Purposes of the definition of “valuator” in section 1 of the Act.
- (5) Where policy benefits under a micro-insurance policy are offered in non-monetary terms, upon a claim being made, the policyholder must be given the option of receiving a monetary benefit equal to the stated value of the non-monetary policy benefit.

#### **New micro-insurance products**

6. (1) Every micro-insurer must in the manner set out in the standards submit to NAMFISA any new micro-insurance product prior to marketing such micro-insurance product to the public.
- (2) The micro-insurer may 30 days after the date of submission referred to in subregulation (1), if no objection is received from NAMFISA, lodge the product in the market.

#### **Language of micro-insurance policy contract**

7. Language used in every micro-insurance policy must comply with Standard No. GEN.S.10.17 – Description of Plain Language.

#### **Meaning of certain terms for short-term insurance business**

8. (1) For the purpose of section 4(1) of the Act, “gap insurance” in relation to short-term insurance business, means –
- (a) motor vehicle finance gap insurance that is purchased by a person for protection against losses that can arise when the amount of compensation received from a total loss does not fully cover the amount the insured owes on the vehicle’s financing or lease agreement; or
  - (b) insurance that is purchased by a person for protection against losses that can arise when the amount of compensation received from an insurance claim does not fully cover the replacement value of the insured asset, other than as asset referred to in paragraph (a), or the amount the insured owes on the insured asset.
- (2) For purposes of subregulation (1), “gap insurance” does not include payments to cover –
- (a) overdue lease or loan payments;

- (b) costs for extended warranties, credit life insurance, or other insurance purchased with the loan or lease;
  - (c) carry-over balances from previous loans or leases;
  - (d) financial penalties imposed under a specific lease agreement, for example for excessive use, abnormal use or higher mileage;
  - (e) security deposits not refunded by a lessor;
  - (f) amounts deducted by the primary insurer for wear and tear, prior damage, towing or storage;
  - (g) costs of equipment added to the motor vehicle by the insured, meaning that only factory-installed equipment is covered; or
  - (h) mechanical issues, such as engine or transmission failures, or any other vehicle problems that are not losses covered by the vehicle insurance policy.
- (3) For the purpose of short-term insurance business, “health policy” includes –
- (a) emergency evacuation or transportation which is expenses to cover guaranteed access to and utilisation of specialised medical transportation and guaranteed hospital admission to ensure that the insured is admitted to an emergency health facility and stabilised, but only to the extent that such expenses are not covered by a medical aid fund registered under the Act;
  - (b) medical expenses shortfall which is a lump sum payment to cover the costs or expenses of a relevant health service that, in respect of benefits provided by a medical aid fund registered under the Act, does not constitute a benefit, a benefit not paid in full by such medical aid fund or a member’s benefit being depleted in a specific benefit year;
  - (c) third party liability which is a lump sum payment to cover an insured for the expenses of a relevant health service following the injury of a third party (other than the insured) –
    - (i) as a result of a motor vehicle accident; or
    - (ii) while at the property of the insured;
  - (d) international travel insurance which is a lump sum payment covering expenses associated with a relevant health service incurred as a result of a sickness, disability or death event that occurs while travelling outside Namibia; and
  - (e) domestic travel insurance which is a lump sum payment covering expenses associated with a relevant health service incurred as a result of a sickness, disability or death event that occurs while travelling in Namibia.

### **Meaning of certain terms for long-term insurance business**

9. (1) For the purposes of section 4(1) of the Act, “gap insurance” in relation to long-term insurance business, means insurance that -

- (a) is purchased by –

- (i) a member of a medical aid fund; or
  - (ii) a member of a fund, scheme or entity, other than a registered medical aid fund, created by law to provide its members with medical aid benefits,
- to supplement an existing benefit of a type that is available only to members of medical aid funds or members of a fund, scheme or entity, other than a registered medical aid fund; and
- (b) is designed to make up the difference between the amount that –
    - (i) a medical aid fund; or
    - (ii) a fund, scheme or an entity, other than a registered medical aid fund, created by law to provide its members with medical aid benefits,
 is liable to pay to cover treatments and the amount that any specialist or other healthcare service provider charges the member for a health service.
  - (2) For the purpose of long-term insurance business “health policy” includes –
    - (a) lump sum or income replacement benefits payable on the occurrence of a health event to cover –
      - (i) contingency expenses incurred by the policyholder on experiencing a specified health event; and
      - (ii) if applicable, loss of income as a result of the health event, provided the policyholder provides proof of the loss of income;
    - (b) expenses for frail care for policyholders over the age of 60 years to cover custodial care (assistance with activities of daily living); and
    - (c) expenses related to HIV testing and HIV and Aids treatment on an employee group basis for employees and their dependants, to the extent that such expenses are not covered by a medical aid fund.

### Health policies

- 10. (1) A health policy may not include a contract for benefits that are included in the business of a medical aid fund.
- (2) A health policy –
  - (a) must be priced fairly for all policyholders;
  - (b) may have a waiting period which may not exceed six months.
- (3) A registered insurer or reinsurer may not -
  - (a) refuse a claim because of pre-existing conditions which were fully disclosed by the policyholder at policy inception stage;
  - (b) cancel a policy because of poor health or high claims; or

- (c) cancel a policy because of poor claims experience.

### **Meaning of sickness**

- 11.** For the purposes of –
- (a) paragraph (e) of the definition of “fund” in section 8(1) of the Act;
  - (b) sections 8(5) and 465(5)(f) of the Act; and
  - (c) regulation 8(3)(d) and (e),

“sickness” means a malady, affliction, dysfunction, debility or infirmity of body or mind, including, without limitation, a weakened, unhealthy or unsound condition, resulting from a specific type of illness or disease.

### **Maximum amounts for protected life policies**

**12.** (1) In respect of section 34(2) of the Act, the protection afforded in respect of a life policy extends to so much of the realisable value of the life policy as does not exceed the amount of N\$200 000.

(2) In respect of section 35(2) of the Act, the aggregate amount referred to in that section must not exceed N\$200 000.

(3) In respect of section 35(3) of the Act, the amount by which the realisable value of a life policy referred to in that section or the aggregate realisable value of all such life policies must not exceed, is N\$200 000.

(4) In respect of section 36(3)(b)(i) of the Act, the protection afforded must not exceed the amount of N\$200 000.

## **PART 3 FINANCIAL MARKETS**

### **Definitions for this Part**

**13.** In this Part, a word or an expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates –

“bank” includes the Bank of Namibia referred to in section 2 of the Bank of Namibia Act, a banking institution or the Post Office Savings Bank controlled and managed by the Namibia Post Limited established by section 2(1)(a) of the Posts and Telecommunications Companies Establishment Act, 1992 (Act No. 17 of 1992);

“banker’s acceptance” means a bill as defined in section 1 of the Bills of Exchange Act, 2003 (Act No. 22 of 2003), drawn on, accepted and guaranteed by a bank, and representing a promised future payment by that bank;

“bond” means an acknowledgement of debt in which the issuer or guarantor undertakes to repay the principal debt together with interest on the maturity of the debt to the holder of the bond;

“commercial paper” means a negotiable short-term financial instrument which is an acknowledgement of debt, issued by an entity, whether backed by assets or not;

“debt security” means a financial instrument issued by an issuer, evidencing or acknowledging the liability of the issuer to repay an amount of money specified in the security, subject to the conditions on which the security is issued;

“deposit” means an amount of money paid by a person to a bank, subject to an agreement in terms of which the full amount of the money, or any part thereof, will, conditionally or unconditionally, and with or without interest or a premium, be repaid to such person –

- (a) on demand;
- (b) at a specified or unspecified date;
- (c) after a predetermined period of time;
- (d) after a predetermined period of notice of withdrawal; or
- (e) subject to an agreement entered into by the parties concerned,

despite that such payment is limited to a fixed amount or that a transferable or non-transferable certificate or other instrument providing for the repayment of the amount is issued in respect of such amount;

“financial asset” means any asset that is cash or a financial product;

“financial instrument” means any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity;

“financial market” means any market where the buying and selling of securities take place;

“issuer” means an issuer of securities, including an issuer of money market instruments;

“liquid asset” means -

- (a) any amount of cash consisting of Bank of Namibia notes and coins;
- (b) any balance in an account with a bank, branch of a foreign institution which is authorised in terms of the Banking Institutions Act, 1998 to conduct the business of a bank by means of such branch or a foreign bank;
- (c) any positive balance in a settlement account, other than a margin account, operated for the purpose of buying and selling of underlying assets;
- (d) money market instrument; or
- (e) participatory interest in a money market portfolio,

on condition that the assets in paragraphs (b), (d) and (e) are capable of being converted, without any penalty on capital in terms of the conditions of the asset, into cash within a period not exceeding seven days;

“money market” means the sector of the financial market that includes financial instruments that have a maturity or redemption date that is 12 months or less at the time of issuance;

“money market instrument” means a money market instrument as described in regulation 15, and includes a banker’s acceptance, bond, commercial paper, debenture, deposit, negotiable certificate of deposit, state-owned enterprise bill, promissory note, trade bill or treasury bill;

“negotiable certificate of deposit” means a certificate of deposit issued by a bank, and payable to order or bearer;

“promissory note” means an unconditional promise in writing made by one person to another, signed by the maker, and undertaking to pay on demand or at a fixed or determinable future time, a sum certain in money, to a specified person or to their order, or to bearer;

“short-term” means 12 months or less;

“short-term funding” means financing of business, on a short-time basis, from money market sources; and

“treasury bill” means a bill drawn by the Government of Namibia on the Minister or on a staff member to whom the Minister has assigned Treasury functions under the State Finance Act, 1991 (Act No. 31 of 1991), calling on the latter to pay a sum certain in money to a specified person or to his or her order, or to bearer on demand or on a certain specified future date.

### **Applicability**

- 14.** This Part applies to –
- (a) regulated persons as defined in section 78 of the Act;
  - (b) self-regulatory organisations as defined in section 78 of the Act; and
  - (c) clients of regulated persons or self-regulatory organisations.

### **Money market instruments**

**15.** (1) A government or corporate borrower may issue a money market instrument which is a high quality debt security whose maturity or redemption date is up to 12 months, and which seeks to preserve capital and provide daily liquidity, while offering returns in line with money market rates.

- (2) A money market instrument issued under subregulation (1) –
- (a) is a short-term fixed income or an income generating financial instrument that provides a specified amount of interest plus repayment of the principal amount at maturity;
  - (b) offers low risk and may be easily converted into cash;
  - (c) is a financial instrument that has the objective to provide an investor with the preservation of capital and daily liquidity;
  - (d) is broadly used by both retail and institutional investors as an efficient way to achieve diversified cash management; and
  - (e) is a financial instrument that acts as a link between investors seeking investments in liquid assets and diversification of credit risk exposure, and borrowers seeking short-term funding.

### **Credit quality assessment of money market instruments**

**16.** (1) For the purposes of assessing the quality of a money market instrument, the instrument may be considered of a high quality if it is awarded -

- (a) one of the two highest available short-term credit ratings by each registered securities rating agency; or
- (b) an equivalent credit rating, if the instrument is not rated.

(2) The term 'equivalent' in subregulation (1)(b) refers to a credit quality assessment procedure that has the features of the factors included in the ratings of the two highest available short-term credit ratings taking into account the issuer of the instrument and the characteristics of the instrument itself.

(3) A credit quality assessment procedure referred to in subregulation (2) must, at a minimum, comply with the following general principles –

- (a) the existence of an effective process established to obtain and update relevant information on the issuer of the money market instrument and the characteristics of the money market instrument;
- (b) the existence of adequate measures adopted and implemented to ensure that the credit quality assessment is based on a thorough analysis of the information that is available and pertinent, and includes all relevant driving factors that influence the creditworthiness of issuer of the money market instrument and the credit quality of the money market instrument;
- (c) the existence of –
  - (i) ongoing monitoring of the credit quality assessment procedure;
  - (ii) at least one annual review of all credit quality assessments to determine whether they still remain appropriate and whether external conditions have changed;
- (d) the existence of a money market fund manager whose mandate it is to review all affected internal credit quality assessments as soon as possible when methodologies, models or key assumptions used in the credit quality assessment procedure are changed;
- (e) the inclusion of the quantification of the credit risk of the issuer of the money market instrument and of the relative risk of default of the issuer of the money market instrument and of the money market instrument, in the credit quality assessment procedure;
- (f) the credit quality assessment procedure must take into account the qualitative indicators on the issuer of the money market instrument, in light of the macroeconomic and financial market situation; and
- (g) the credit quality assessment procedure must take into account the short-term nature of the money market instrument and the liquidity profile of the money market instrument.

#### **Maximum penalty for non-compliance by self-regulatory organisation**

17. The maximum penalty that NAMFISA may impose upon a self-regulatory organisation for purposes of section 142(3) of the Act is N\$5 000 000.

**Interest on civil liability resulting from insider trading**

**18.** (1) For purposes of section 160(2)(d), (4)(d), (6)(d) and (7)(d) of the Act, the interest payable on civil liability resulting from insider trading is the equivalent of twice the rate determined for the time being by the Monetary Policy Committee of the Bank of Namibia to be the repurchase rate.

(2) The total amount of interest payable under subregulation (1) may not exceed the maximum amount of the principal debt payable by the insider under section 160 of the Act.

**PART 4  
RETIREMENT FUNDS**

**Definitions for this Part**

**19.** In this Part, a word or an expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates –

“contribution payee” means –

- (a) the account of a fund with a banking institution referred to in section 270(3)(a);
- (b) a retirement fund referred to in section 270(3)(b); or
- (c) a registered insurer referred to in section 270(3)(c),

of the Act;

“date of inception” means the date on which a retirement fund commences to receive contributions;

“deferred member” means a member who has not yet retired but has left the service of the employer prior to the retirement date as defined in the rules of the fund, leaving in the fund the rights of the member to such benefits as may be payable according to those rules;

“due period” means the period of time commencing on the eighth day after the end of the month for which any required contribution should have been deposited with the contribution payee in question, and ending on the day on which the required contribution and interest at the prescribed rate has been so deposited;

“former member” means a person who has received all the benefits due to him or her from a fund and whose membership was terminated in accordance with the rules of the fund;

“immovable property” includes a customary land right and a right of leasehold as defined in section 1 of the Communal Land Reform Act, 2002 (Act No. 5 of 2002);

“net actuarial surplus” means actuarial surplus as calculated in Standard No. RF.S.5.1: Definition of Actuarial Surplus;

“participant” means a person who in the opinion of the board of a fund is entitled to participate in the distribution of actuarial surplus and may include an employer, sponsor, member, former member, deferred member, dependant, nominee or a person in receipt of an income benefit from a retirement fund;

“plan” means a plan for the distribution of the actuarial surplus of a retirement fund;

“prescribed rate” means the rate of interest determined in accordance with regulation 30(4);

“required contribution” means any contribution –

- (a) which must be deducted from the member’s remuneration by an employer contributing to the retirement fund; and
- (b) for which any such employer is liable for;

“responsible party” means –

- (a) an employer contributing to the retirement fund whose required contributions have not been deposited with the contribution payee within the seven days following the month in which the required contributions became due and payable; and
- (b) the directors and officers of an employer referred to in subparagraph (a);

“specified period” means the period commencing on the date on which a fund has received a valid request in writing under regulation 30(1) from a transferring member to transfer the value of his or her retirement benefit or right to a retirement benefit accrued to the date on which the transferring member ceases to be a member of the fund, and ending on the date 60 days following the date of receipt of that request or such longer period as NAMFISA may determine under section 270(6) of the Act;

“transfer value” means the value of a transferring member’s accrued retirement benefit or the right to such accrued retirement benefit, as determined according to the rules of the fund and all applicable standards and regulations;

“transferring member” means a person who has ceased to be a member of a fund for any reason other than the occurrence of an event referred to in section 278 of the Act, and has –

- (a) been admitted as a member of another fund; and
- (b) pursuant to regulation 30(1), requested that his or her transfer value be transferred to the other fund.

### **Applicability**

**20.** This Part applies to –

- (a) funds, retirement funds or beneficiary funds;
- (b) board of trustees of funds, retirement funds or beneficiary funds;
- (c) the principal officers of funds, retirement funds or beneficiary funds;
- (d) the boards directors of funds, retirement funds or beneficiary funds;
- (e) employers contributing to funds, retirement funds or beneficiary funds;
- (f) the directors and officers of employers referred to in paragraph (e);
- (g) members and dependants of members of funds, retirement funds or beneficiary funds.

**Additional funds and classes of funds**

**21.** The following funds and classes of funds are included in the definition of the word “fund” in section 249 of the Act –

- (a) pension fund;
- (b) preservation fund;
- (c) provident fund; and
- (d) retirement annuity fund,

as defined in section 1 of the Income Tax Act.

**Conditions precedent to distribution of actuarial surplus of retirement fund**

**22.** The board of a retirement fund may execute a plan to distribute the actuarial surplus of its retirement fund if –

- (a) subject to regulation 23, the rules of the fund specifically authorise the board to distribute the actuarial surplus;
- (b) the fund is in full compliance with the Act;
- (c) the fund is not a party to a legal action, dispute, an arbitration, a mediation or complaint insofar as such legal action, dispute, arbitration, mediation or complaint affect the distribution of the surplus;
- (d) the fund has notified the participants of the plan, in a manner acceptable to NAMFISA;
- (e) the plan has been approved by the board of the fund;
- (f) the actuarial surplus proposed to be distributed pursuant to the plan has been determined on the basis of a report by the valuator of the fund at a date not more than six months before the effective date proposed for the distribution;
- (g) the plan complies with the provisions of regulation 26 or 27;
- (h) the fund has made an application for approval of the plan to NAMFISA in accordance with regulation 24; and
- (i) NAMFISA has in writing approved the submitted plan.

**Authorisation to distribute actuarial surplus**

**23.** (1) The rules of the retirement fund must authorise the board of the fund to distribute surplus as of the date of inception of the fund, unless subregulation (2) applies.

(2) If the rules of a retirement fund dealing with an actuarial surplus and any distribution are amended subsequent to the date of inception, the board must demonstrate to the satisfaction of NAMFISA that the subsequent amendments were made following a process that included –

- (a) informing participants of the amendments and their implications;

- (b) providing participants with the opportunity to vote, approve or reject the amendments; and
- (c) providing for an equitable adjudication of the outcome of the voting.

#### **Application for approval to distribute surplus**

- 24.** An application for the approval of a plan contemplated in regulation 22(h) must –
- (a) be made on Form RF 1, and must contain the information set out in Annexure 2; and
  - (b) be submitted to NAMFISA.

#### **Approval of plan**

- 25.** NAMFISA must approve the plan of a retirement fund, if –
- (a) the application form and information required as outlined in Form RF 1 in Annexure 2 have been completed in full and submitted to the satisfaction of NAMFISA;
  - (b) any additional information required by NAMFISA has been provided to the satisfaction of NAMFISA;
  - (c) the requirements of regulation 23(2), if applicable, have been met to the satisfaction of NAMFISA;
  - (d) the requirements of regulation 22 and regulation 26 or 27, as applicable, have been met; and
  - (e) at least two-thirds of the participants in the aggregate have voted on the plan, and at least two-thirds of the participants who have voted, have voted to approve the plan.

#### **Entire termination of fund**

**26.** The amount of the actuarial surplus that may be distributed in the case of a retirement fund that is terminating in its entirety may not exceed –

A minus the sum of B plus C, where -

- A is the fair value of the assets of the fund;
- B is the total of the termination and wind-up liabilities of the fund for benefits to participants, as determined by the valuator of the fund according to the fund rules and actuarial standards appropriate to retirement fund terminations; and
- C is the amount required to fully pay all expenses of terminating and winding-up the fund.

#### **Partial termination of fund**

**27.** The amount of the actuarial surplus that may be distributed in the case of a retirement fund that is not terminating in its entirety, may not exceed the lesser of A, B or C, where -

- A is an amount equal to 75% of the actuarial surplus in the fund;

- B is the amount of the actuarial surplus less two years' contributions required to be paid by members and employers or sponsors; and
- C is the amount of surplus estimated to be in the fund should it be terminated and wound-up.

### **NAMFISA may refuse approval**

- 28.** NAMFISA may refuse to approve an application for approval of a plan if –
- (a) the plan does not comply with regulations 22, 23, 24 and 25 and regulation 26 or 27;
  - (b) the plan proposes to distribute an amount of the actuarial surplus to a participant that does not reasonably reflect the liabilities of the fund in respect of the accrued benefits of the participant as of the date of the distribution, having regard to the effects of providing for minimum and maximum allocations of actuarial surplus in the distribution methodology; or
  - (c) the plan proposes to distribute the actuarial surplus of the retirement fund to a contributing employer who has not had an entitlement to the actuarial surplus from the date of inception of the fund and the employer has not proven that it has subsequently established a valid claim in that regard.

### **Distribution of actuarial surplus of defined contribution fund**

**29.** Where the board of a defined contribution fund distributes or proposes to distribute amounts representing the excess of the fund's assets over its liabilities, regulations 22 to 28 apply to that distribution subject to necessary changes that may be required by the context.

### **Interest payable on transfer value after specified period**

**30.** (1) A transferring member of a first fund who wishes to transfer his or her transfer value to another fund must, as contemplated in subsection (6) of section 270 of the Act, make the written request referred in that subsection to the first fund for the transfer of the transfer value on Form RF 2 set out in Annexure 2.

(2) A transferring member of the first fund who wishes to extend the 60-day period referred to in subsection (6) of section 270 of the Act must make the application contemplated in that subsection to NAMFISA on Form RF 3 set out in Annexure 2.

(3) If, as contemplated in section 270(9)(c) of the Act, the transfer of a transferring member's transfer value has not been completed within the specified period, the first fund must credit the transfer value with interest at the prescribed rate for each day following the expiration of the specified period up to the date on which the transfer is completed.

(4) The prescribed rate of interest is the rate determined for the time being by the Monetary Policy Committee of the Bank of Namibia to be the repurchase rate, plus 4%.

(5) Interest payable under subregulation (3) must be credited for the precise number of days between the expiration of the specified period and the date the transfer is completed according to the customary method of compound interest for applying effective annual rates to such determinations and a year must be taken as consisting of 365 days.

**Interest payable on contributions after due period**

31. (1) Where a required contribution has become due and payable and has not been deposited with the contribution payee prior to the commencement of the due period, it bears interest at the prescribed rate throughout the due period and the amount of such interest must be deposited with the contribution payee together with the required contribution.

(2) Interest payable under subregulation (1) must be credited at the prescribed rate for the precise number of days between the expiration of the due period and the date the required contribution has been deposited with the contribution payee according to the customary method of compound interest for applying effective annual rates to such determinations and a year must be taken as consisting of 365 days.

**Liability for unpaid contributions and interest**

32. Every responsible party remains jointly and severally liable for a required contribution and interest at the prescribed rate throughout the due period.

**Limitation on payable interest and allotment to debtor**

33. (1) The total amount of interest payable under regulations 30 and 31 may not exceed the maximum amount of the principal debt due and payable under those regulations.

(2) Any interest referred to in subregulation (1) must be credited to the affected members' records or account.

**Fund may grant loans or furnish guarantees to members**

34. (1) A fund, as contemplated in section 282(2) of the Act and if its rules permit but subject to this regulation and regulation 35, may grant a loan to a member or furnish a guarantee in favour of a person other than a member of the fund in respect of a loan granted or to be granted by that person to a member to enable the member –

- (a) to redeem a loan granted to the member against security of –
  - (i) a pledge by the member to the fund of the benefit contemplated in regulation 35(1)(b); or
  - (ii) immovable property which either belongs to the member or to his or her spouse, and on which a residence has been or will be erected which is occupied or will be occupied by the member or a dependant of the member;
- (b) to acquire immovable property on which a residence has been or will be erected, for occupancy by the member or a dependant of the member;
- (c) subject to subregulation (2), to erect a residence on immovable property in respect of which either the member or his or her spouse has, obtained ownership or the right to ownership through a right of occupancy as contemplated in subregulation (2), and which will be occupied by the member or a dependant of the member; or
- (d) subject to subregulation (2), to make additions or alterations to or to maintain or repair a residence in respect of which either the member or his or her spouse has obtained ownership or the right to ownership through a right of occupancy as contemplated in subregulation (2), and which is occupied or will be occupied by the member or a dependant of the member.

(2) Subregulation (1)(c) or (d) applies only if the right of occupancy of the immovable property or residence is secured by virtue of the operation of any custom or law, other than an agreement of lease or similar temporary measure with a fixed term of less than 30 years at the time the loan is granted, entitling such member, or his or her dependants the right of occupancy of such immovable property or residence or any specified portion of such immovable property or residence.

### **Restrictions on grant of loans or furnishing of guarantees**

**35.** (1) A fund may not grant a loan or guarantee contemplated in regulation 34(1), unless the loan or guarantee is secured in full by –

- (a) a first mortgage on any immovable property of which the member or his or her spouse or both have ownership;
- (b) a pledge by the member concerned to the fund of the benefits to which the member is entitled in terms of the rules of the fund; or
- (c) both such mortgage and such pledge contemplated in paragraphs (a) and (b).

(2) A fund may not grant a loan or guarantee contemplated in regulation 34(1) if the member concerned is already liable to the fund in respect of any other loan granted to the member or guarantee furnished to the member in respect of any other immovable property.

(3) A fund must not grant a loan contemplated in regulation 34(1), unless the rate of interest on the loan is equal to the rate determined for the time being by the Monetary Policy Committee of the Bank of Namibia to be the repurchase rate, plus 2.5%.

(4) A fund may not grant a loan or furnish a guarantee for a loan as contemplated in regulation 34(1), unless the capital sum in respect of the loan together with interest is redeemable, in equal weekly or monthly instalments, over a period not exceeding –

- (a) the remainder of the member's employable years until retirement; or
- (b) the duration of the right of leasehold or the customary land right,

whichever is the shorter period.

(5) A fund may not allow a loan or guarantee contemplated in regulation 34(1) to exceed, at the time it is granted or furnished, where it is secured –

- (a) in accordance with subregulation (1)(a), the amount equal to 90% of the fair value of the hypothecated immovable property concerned;
- (b) in accordance with subregulation (1)(b), the lesser of the amount of –
  - (i) subject to Standard R.F.S.5.7 – Minimum Benefits that a Fund must provide to its Members- the lowest benefit in terms of the rules which the member would receive on termination of his or her membership of the fund, net of income tax as envisaged in section 277(1)(a) of the Act; or
  - (ii) the fair value of the hypothecated immovable property concerned;
- (c) in accordance with subregulation (1)(c), the lesser of –

- (i) the amount equal to the aggregate of 90% of the fair value of the hypothecated immovable property concerned and, subject to Standard RF.S.5.7 - Minimum Benefits that a Fund must provide to its Members -the amount of the lowest benefit in terms of the rules which the member would receive on termination of his or her membership of the fund, net of income tax as envisaged in section 277(1)(a) of the Act; or
- (ii) the fair value of the hypothecated immovable property concerned.

(6) The fund may increase the percentages referred to in subregulation (5)(a) or (c) to 100%, subject to the employer of the member furnishing to the fund an irrevocable guarantee in respect of so much of the loan or the amount of the guarantee as may exceed 90%.

(7) Where –

- (a) a transaction for the purchase of an immovable property is pending and a purchase price has already been agreed upon; or
- (b) an immovable property was acquired by purchase not more than six months before the date on which the estimate referred to in paragraph (a) is made,

the fair value of the property may not be fixed at an amount higher than the true purchase price of the property, as declared or to be declared by the parties concerned for transfer duty purposes.

(8) Where a transaction for the erection of, or additions or alterations to, a residence is contemplated, the estimate of the fair value of the immovable property may not be fixed at an amount higher than the fair value contemplated in subregulation (7) plus an amount equal to the cost of such erection, additions or alterations, as the case may be.

(9) Despite anything to the contrary contained in the rules of the fund, a fund may not, directly or indirectly –

- (a) grant a loan to, or furnish a guarantee in respect of, a member, or make any of its funds available, whether by way of an investment or otherwise, to be utilised in any manner by the fund or any other person for a loan to a member or a guarantee on behalf of a member, other than -
  - (i) a loan contemplated in regulation 34(1) and which complies with the provisions of regulation 34 and this regulation; or
  - (ii) a guarantee contemplated in regulation 34(1) and which complies with the provisions of regulation 34 and this regulation; or
- (b) grant a loan to, or invest in the shares of a corporate body controlled by a member of the board, an officer or a member of the fund or a director of a corporate body which is an employer participating in or contributing to the fund, or any of the affiliates of the corporate body.

(10) Despite subregulation (9), a fund may, if its rules so permit, contribute to any other fund registered under the Act, or any medical aid fund, friendly society or insurer registered under the Act, which is conducted for the benefit of the members of the said fund.

(11) NAMFISA may, under exceptional circumstances as contemplated in section 282(3) of the Act, and on such conditions and for such periods as NAMFISA may determine, temporarily exempt any fund from compliance with any provision of regulation 34(1) or subregulation (9)(a) or (b).

## **Ministerial exemption from prohibited investments**

**36.** The Minister may, on application by the board of a fund referred to in section 282(4) (a) of the Act, allow a fund's assets to be invested in or lent to an employer participating in such fund or a subsidiary of such employer's business for the period and on any conditions determined by the Minister if, in that application, the board of such fund has certified that the rules of the fund and its investment policy provide for such investment, as provided for in section 282(1) of the Act.

## **PART 5 FRIENDLY SOCIETIES**

### **Definitions for this Part and Part 6**

**37.** (1) In this Part and Part 6, a word or an expression to which a meaning has been assigned in the Act bears that meaning, and unless the context otherwise indicates –

“banking institution” means an institution registered under the Banking Institutions Act, 2023 (Act No. 13 of 2023), and includes a banking institution authorised as such under the laws of a country other than Namibia;

“building society” means a building society registered under the Building Societies Act, 1986 (Act No. 82 of 1986), and includes a building society authorised as such under the laws of a country other than Namibia;

“common monetary area” means the monetary union established by the Multilateral Monetary Agreement of 1986 which union comprises the Republic of Namibia, the Kingdom of Lesotho, the Kingdom of Eswatini and the Republic of South Africa;

“domestic asset” means an asset in a company incorporated in Namibia, and includes assets in a company incorporated outside Namibia if such assets have been acquired on a stock exchange or an exchange registered under the Act and any other asset designated as a domestic asset by the Minister by notice issued under subregulation (2);

“local authority council” means any municipal council, town council or village council as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992);

“market value” means the price as quoted on an exchange registered under the Act or any other law of another country, within a period of three months immediately preceding the date to which the quotation relates, which value must be shown in the statement of assets as an amount not exceeding the value determined according to the price last so quoted, provided that if such quotation relates to a date other than the date to which the statement of assets relates, the said amount must be properly adjusted in the case of -

- (a) interest-bearing assets, by the difference between the amount of the interest which had accrued from the last date on which interest was payable up to the date of the quotation in question and the corresponding amount of interest accrued up to the date to which the statement relates; and
- (b) any share on which dividends have been declared, by the difference between the amount of any dividend which had been declared but not paid on the date of the quotation and the amount of any dividend which had been declared but not paid on the date to which the statement relates;

“Post Office Savings Bank” means the Savings Bank controlled and managed by the Namibia Post Limited established by section 2(1)(a) of the Posts and Telecommunications Companies Establishment

Act, 1992 (Act No. 17 of 1992), and includes a savings bank or similar institution authorised as such under the laws of a country other than Namibia;

“property company” means a company -

- (a) of which 50% or more of the market value of its assets consists of immovable property, irrespective of whether such property is held directly by the company as registered owner or indirectly by way of ownership of the shares of the company which is the registered owner of the property or which exercises control over the company which is the registered owner of the property; or
- (b) of which 50% or more of its income is derived from investments in immovable property, or from an investment in a company 50% or more of the income of which is derived from investments in immovable property;

“public enterprise” means a body declared under section 2(1) of the Public Enterprises Governance Act, 2019 (Act No. 1 of 2019) to be a public enterprise;

“regional council” means a regional council as defined in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992); and

“stock exchange within the common monetary area” means any stock exchange authorised by or under the laws of a country of the common monetary area to function as, or carry on the business of, a stock exchange in that country.

(2) For the purposes the definition of “domestic asset” in subregulation (1), the Minister may by notice in the *Gazette* declare any asset to be a domestic asset.

### **Applicability**

**38.** The Part applies to to all friendly societies registered under the Act, and to their auditors, boards of trustees, administrators and principal officers.

### **Maximum limit for exemption from Chapter 6 of Act**

**39.** (1) The provisions of Chapter 6 of the Act do not apply in relation to a friendly society whose aggregate value of income does not exceed N\$200 000 during any one year, provided that such friendly society must comply with the directives that may be issued by NAMFISA in relation to it.

(2) The amount stipulated in subregulation (2) must be increased by the highest of 5% or the percentage used to determine annual inflation through the use of the Namibian Consumer Price Index on the first day of January of each year following the date on which this regulation comes into force.

### **Limitations on investments by friendly societies**

**40.** (1) Subject to further provisions of this regulation, a friendly society may only invest in assets set out in column 2 of Annexure 3 and only to the extent set out in column 3 of that Annexure in respect of such assets, but –

- (a) the aggregate of the market value of investments in assets referred to in items 6 and 7 in column 2 of that Annexure, expressed as a percentage, may not exceed 85%; and

- (b) the aggregate of the market value of investments in assets referred to in items 6, 7, 8 and 9 in column 2 of that Annexure, expressed as a percentage, may not exceed 90%,

of the total assets of the friendly society.

(2) Despite subregulation (1), a friendly society must keep invested in domestic assets not less than 45% of the market value of its assets.

(3) A friendly society must, within 90 days or such shorter period as determined by NAMFISA by written notice after the end of each calendar quarter, submit to NAMFISA a statement of investment holdings in such form as NAMFISA may determine.

(4) In the application of this regulation with regard to the total assets of a friendly society, a policy issued to the society by an insurer carrying on long-term insurance business or short-term insurance business as contemplated in Chapter 2 of the Act is not regarded as an asset of the society.

(5) In the application of this regulation with regard to the total assets of a friendly society where a friendly society invests in a collective investment scheme as defined in Chapter 4 of the Act, such investment is regarded as a proportionate investment in the unit portfolio's underlying securities.

(6) Any investment made outside the common monetary area must comply with such limitations as may be determined by the Minister or by NAMFISA under section 306(4) of the Act.

## PART 6 MEDICAL AID FUNDS

### Definitions for this Part

41. In this Part, a word or an expression to which a meaning has been assigned in the Act, and in Parts 1 and 5 bears that meaning and, unless the context otherwise indicates "hospital" means a state hospital or private hospital established in accordance with the provisions of the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994).

### Applicability

42. This Part applies to all medical aid funds registered under the Act, and to their auditors, boards of trustees, fund administrators, medical aid fund brokers and principal officers.

### Exclusion of benefits provided under insurance policies

43. A health policy offered by a registered insurer is excluded from the definition of "business of a medical aid" as defined in section 321 of the Act and is not regarded as being in contravention of section 323(1) of the Act, if the policy is listed under the heading "Category" in Annexure 4 and –

- (a) provides the policy benefits; and
- (b) meets the criteria applicable to the respective category,

associated with the applicable category as set out in Annexure 4.

### Prohibitions in health policy contracts

44. A health policy contract referred to in regulation 43 may not –

- (a) unfairly discriminate, directly or indirectly, against any person on the grounds of race, gender, age, marital status, ethnic or social origin, sexual orientation, pregnancy, disability, state of health or any similar ground;
- (b) provide for a waiting period which may not exceed six months during which the policyholder does not receive health care treatment or services before becoming eligible to receive policy benefits, but this paragraph does not apply to an elimination period or deferred period agreed to at the inception of the policy which excludes benefits before the policy becomes effective;
- (c) entitle the insurer to refuse a claim for policy benefits on the ground that the life insured experienced a health event before the commencement of the applicable cover, but this paragraph does not affect the application of lawful non-disclosure provisions;
- (d) provide for the cancellation, variation or non-renewal of the contract by the insurer on the basis of the health status or claims experience of the insured;
- (e) in relation to a policy referred to in category 1 of Annexure 4, provide policy benefits that are fully or partially linked to indemnifying the policyholder against medical expenses incurred as a result of a relevant health service;
- (f) in relation to a policy referred to in categories 1, 6 and 7 of Annexure 4, permit the cession or payment of any policy benefits payable under the policy to a provider of the relevant health service; and
- (g) in relation to a policy referred to in categories 1, 3, 4, 6, 7, 8 and 9 of Annexure 4, require that the policyholder or insured person be a member of a medical aid fund.

### Marketing and disclosures

**45.** (1) Any marketing activity, marketing material or policy documentation in respect of policy contracts referred to in regulation 43 may not –

- (a) identify that contract by the term “medical” or “hospital” or any derivative thereof;
- (b) in any manner create the perception that the contract –
  - (i) indemnifies a policyholder against medical expenses incurred as a result of a health event; or
  - (ii) is a substitute benefit offered by a medical aid fund.

(2) Any marketing activity, marketing material or policy documentation referred in subregulation (1), must –

- (a) display in clear and legible print and in a prominent position, the following statement:

*“This is an insurance policy provided by a registered insurer and not a medical aid fund. The cover provided under this policy is not a substitute for that of a medical aid fund. This policy does not provide cover equivalent to medical aid fund benefits.”;*  
and

- (b) in the case of a policy contract referred to in category 1 of Annexure 4, in addition to subregulation (1)(b), display, in clear and legible print and in a prominent position, the following statement:

*“The purpose of this policy is to pay a specified monetary amount to the policyholder upon the occurrence of a specified health event. This policy may not be ceded and no payment under this policy may be made, directly or indirectly, by the insurer or any agent, broker or third party to a provider of a relevant health service.”*

### **Limitations on combination of policies and reporting**

**46.** (1) A financial institution registered under the Act may not develop or offer health policies which may collectively result in the aggregate of policy benefits that are equivalent to or comparable with any aspect of the business of a medical aid fund as defined in section 321(1) of the Act.

(2) A financial institution registered under the Act must –

- (a) submit to NAMFISA a written summary of the details, terms and conditions of that policy three months prior to introducing or launching a new health product referred to in this regulation; and
- (b) provide NAMFISA with a written summary of benefits, terms and conditions and marketing material of other health policies referred to in this regulation.

(3) NAMFISA may within 90 days after receipt of the submission of information referred in subregulation (2), advise the financial institution whether in its opinion the benefits, terms and conditions and marketing material of the health policies are contrary to the exemption conditions provided under this regulation.

(4) The 90-day period referred to in subregulation (3) includes any period prior to the introduction or launch of the health product.

### **Limitations on investment by medical aid funds**

**47.** (1) Subject to further provisions of this regulation, a medical aid fund may only invest in assets set out in column 2 of Annexure 5 and only to the extent set out in column 3 of that Annexure in respect of such asset, but –

- (a) the aggregate of the market value of investments in assets referred to in items 6 and 7 in column 2 of that Annexure, expressed as a percentage, may not exceed 85%; and
- (b) the aggregate of the market value of investments in assets referred to in items 6, 7, 8 and 9 in column 2 of that Annexure, expressed as a percentage, may not exceed 90%,

of the total assets of the medical aid fund.

(2) Despite subregulation (1), a medical aid fund must keep invested in domestic assets not less than 45% of the market value of its assets.

(3) A medical aid fund must within 30 days or such shorter period as determined by NAMFISA by written notice, after the end of each calendar quarter, submit to NAMFISA a statement of investment holdings in such form as NAMFISA may determine.

(4) In the application of these regulations with regard to the total assets of a medical aid fund, a policy issued to the medical aid fund by an insurer carrying on long-term insurance business or short-term insurance business as contemplated in Chapter 2 of the Act, is not regarded as an asset of the medical aid fund.

(5) In the application of these regulations with regard to the total assets of a medical aid fund where a medical aid fund invests in a collective investment scheme as defined in Chapter 4 of the Act, such investment is regarded as a proportionate investment in the unit portfolio's underlying securities.

(6) Any investment made outside the common monetary area must comply with such limitations as may be determined by the Minister or by NAMFISA under section 350(2) of the Act.

(7) This regulation repeals and replaces regulation 9 of the Medical Aid Fund Regulations published under Government Notice No. 12 of 11 February 1997.

## PART 7 GENERAL PROVISIONS

### Applicability

- 48.** This Part applies to the following financial intermediaries –
- (a) an insurance intermediary;
  - (b) a securities rating agency, securities advisor and a securities dealer;
  - (c) an authorised representative of a manager and a designated representative of an authorised representative; and
  - (d) a medical aid fund broker.

### Interest rate for late renewal of registration

**49.** (1) For purposes of sections 55(12), 59(8), 85(8), 180(10), 182(10) and 335(8) of the Act, the interest rate applicable to the late payment of the renewal fee by every respective financial intermediary mentioned in those sections is 20% per annum of the fee due to NAMFISA.

(2) The total amount of interest payable under subregulation (1) may not exceed the maximum amount of the principal debt due and payable under the provisions of the Act referred to in that subregulation.

## ANNEXURE 1

### MINIMUM AND MAXIMUM BENEFIT THRESHOLDS FOR MICRO-INSURANCE BUSINESS (Regulation 5)

<b>LIFE INSURANCE</b>	<b>MINIMUM BENEFIT/ COVER (N\$)*</b>	<b>MAXIMUM BENEFIT/ COVER (N\$)*</b>
Disability insurance business	1000	25000
Funeral insurance business	1000	25000
Health insurance business	1000	25000
Life insurance business	1000	25000
<b>NON-LIFE</b>		
Fire	1000	25000
Vehicles	1000	25000
Personal	1000	2000
Gap insurance	1000	25000



9. Describe the process that was followed to determine that the distribution is in the best interests of the members of the fund including all consultations that the board held with stakeholders like participants, members, etc. Append a detailed description to the application.
- \_\_\_\_\_
- \_\_\_\_\_
10. Describe the process that has been followed to notify participants and confirm that all participants have been notified specifying the nature and timing of the notification process:
- \_\_\_\_\_
- \_\_\_\_\_
11. Provide a detailed description of all stakeholders' comments, inquiries and complaints received together with details of replies to complaints disclosing the nature of any unresolved complaints as of the date of this application: \_\_\_\_\_
- \_\_\_\_\_
12. If the retirement fund has distributed surplus in the past, provide a brief description of those distributions including the methodology followed, the management of notifications, the handling of complaints or objections, the dates of distribution, the sources of the surplus, whether the distributions involved partial terminations of the retirement fund, and the financial impacts on the retirement fund: \_\_\_\_\_
- \_\_\_\_\_
13. Provide the following certification (all members of the Board who completed this form are required to certify):

### Certification

We the undersigned members of the Board of the \_\_\_\_\_ Retirement Fund hereby apply to NAMFISA for approval of the Plan of distribution of surplus described above and in the appended detailed description thereof, and we certify that the information provided above and in all material appended to this application is, to the best of our knowledge and belief, complete and accurate.

\_\_\_\_\_  
CHAIRPERSON OF THE BOARD

\_\_\_\_\_  
TRUSTEE/DIRECTOR

\_\_\_\_\_  
TRUSTEE/DIRECTOR

\_\_\_\_\_  
TRUSTEE/DIRECTOR

\_\_\_\_\_  
TRUSTEE/DIRECTOR

### INFORMATION SUMMARY

REGARDING THE PLAN FOR THE DISTRIBUTION OF THE ACTUARIAL SURPLUS OF THE \_\_\_\_\_ RETIREMENT FUND

Date of Proposed Distribution		Date of Most Recent Auditor's Report	
Date of Most Recent Valuator's Report		Date Board Approved Plan of Distribution	
Assets of Fund at Fair Value per Auditor's Report		Liabilities of Fund per Valuator's Report	
Actuarial Surplus as per Valuator's Report		Actuarial Surplus To Be Distributed	

Actuarial Surplus to be distributed to Active Members		Liabilities of Fund in Respect of Active Members	
Actuarial Surplus to be distributed to Retired Members		Liabilities of Fund in Respect of Retired Members	
Actuarial Surplus to be distributed to Deferred Members		Liabilities of Fund in respect of Deferred Members	
Maximum Amount of Distribution of Actuarial Surplus	To An Active Member	To A Retired Member	To A Deferred Member
Minimum Amount of Distribution of Actuarial Surplus	To An Active Member	To A Retired Member	To A Deferred Member
Amount of Actuarial Surplus to be distributed to Employer(s)	Employer A	Employer B	Employer C
Votes on the Plan of Distribution Cast By	Active Members	Retired Members	Deferred Members
Votes Cast in Favour of the Plan	Active Members	Retired Members	Deferred Members
Number of	Active Members	Retired Members	Deferred Members
Proportion Distributed in the Form of Cash	Active Members	Retired Members	Deferred Members

### REQUEST FOR TRANSFER OF RETIREMENT BENEFITS

Form RF 2

(Regulation 30(1))

I, the undersigned, hereby apply to the \_\_\_\_\_

Fund to transfer the value of my accrued retirement benefit as shown below:

Applicant Name: \_\_\_\_\_

Applicant Fund Certificate or Membership Number: \_\_\_\_\_

Date Applicant Became a Member: \_\_\_\_\_

Date Applicant Ceased Membership: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Telephone: \_\_\_\_\_

Applicant Email: \_\_\_\_\_

To Which Fund Transfer is To Be Made: \_\_\_\_\_

Name of Contact Person at the Transferor fund: \_\_\_\_\_

Telephone of Contact Person: \_\_\_\_\_

Proportion of Transfer Value: \_\_\_\_\_

To be paid to Applicant in Cash: \_\_\_\_\_ %

I understand that the transfer of the value of my retirement benefit may not be made unless this form has been duly completed, signed and witnessed and received by the Fund and that the 60day transfer

period specified in section 270(6) of the Act will not commence until the Fund has received this form duly completed, signed and witnessed, and that, further, the value of my retirement benefit will be credited with such rate of interest as specified by the rules of the Fund during the period prior to the expiration of the aforesaid 60day period and that the rate of interest applicable following the expiration of the 60day period is determined according to Regulation 30(4).

I also understand that the proper completion of this form and its receipt by the Fund may not be sufficient in and of itself to permit the complete and accurate determination of the dollar amount of the value of my retirement benefit.

Signed by Applicant: \_\_\_\_\_  
 Name of Witness: \_\_\_\_\_  
 Signed by Witness: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Place: \_\_\_\_\_

APPLICATION FOR EXTENSION OF 60 DAY PERIOD  
 Form RF 3  
 (Regulation 30(2))

I, the undersigned, hereby apply to the NAMFISA for an extension of the period to transfer the value of my accrued retirement benefit as shown below:

Applicant Name: \_\_\_\_\_

Applicant Fund Certificate or Membership Number: \_\_\_\_\_

Date Applicant Became a Member: \_\_\_\_\_

Date Applicant Ceased Membership: \_\_\_\_\_

Applicant Address: \_\_\_\_\_  
 \_\_\_\_\_

Applicant Telephone: \_\_\_\_\_

Applicant Email: \_\_\_\_\_

To Which Fund Transfer is To Be Made: \_\_\_\_\_

Name of Contact Person at the Transferor fund: \_\_\_\_\_

Telephone of Contact Person: \_\_\_\_\_

Proportion of Transfer Value: \_\_\_\_\_

To be paid to Applicant in Cash: \_\_\_\_\_ %

Period of extension requested: \_\_\_\_\_

I understand that the extension of the period to transfer the value of my retirement benefit may not be made unless this form has been duly completed, signed, witnessed and received by the NAMFISA and that the extension of the period may not be made unless NAMFISA has granted such extension, and that, further, the value of my retirement benefit will be credited with such rate of interest as specified by the rules of the Fund during the period prior to the expiration of the aforesaid extended

period and that the rate of interest applicable following the expiration of the extended period will be determined according to Regulation 30(4).

Signed by Applicant: \_\_\_\_\_  
 Name of Witness: \_\_\_\_\_  
 Signed by Witness: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Place: \_\_\_\_\_

### ANNEXURE 3

#### LIMITS ON INVESTMENTS BY FRIENDLY SOCIETY (Regulation 40)

Column 1	Column 2	Column 3
Kind of asset	Definition of assets	Maximum percentage of aggregate market value of total assets
1. Credit balance	Deposits with and balances in current and savings accounts with banking institutions or a building society, including negotiable deposits and money market instruments in terms of which such a bank or building society is liable including paid-up shares of a building society, or deposits and savings accounts with the Post Office Savings Bank:  (a) Per banking institution  (b) Per building society  (c) Post Office Savings Bank  <b>Total investments of a society in assets in this category</b>	20% 20% 20%  <b>100%</b>
2. Government bonds	Bills, bonds or securities issued or guaranteed by or loans to or guaranteed by the Government of the Republic of Namibia	95%
3. Public enterprise, local authority and regional council bonds	Bills, bonds or securities issued or guaranteed by or loans to or guaranteed by public enterprise, local authority council or regional council in the Republic of Namibia:  (a) Per local authority council authorized by law to levy rates upon immovable property  (b) Per regional council authorized by law to levy rates upon immovable property  (c) Per public enterprise  (d) Development Bank of Namibia  <b>Total investments of a society in assets in this category</b>	20% 20% 20% 20%  <b>30%</b>
4. Corporate bonds	Bills, bonds or securities issued by or loans to, an institution in Namibia: Per institution  <b>Total investments of a society in assets in this category</b>	20%  <b>50%</b>

5. Foreign bonds	Bills, bonds or securities issued by the government or any other institution in a country other than Namibia: Per government Per institution  <b>Total investments of a society in assets in this category</b>	40% 10%  <b>50%</b>
6. Property	Immovable property and shares in, loans to and debentures both convertible and non-convertible, of a property company:  (a) Per single property  (b) Per property development project  <b>Total investments of a society in assets in this category</b>	5% 5%  <b>10%</b>
7. Shares	Preference and ordinary shares in companies (excluding shares in a property company), convertible debentures whether voluntary or compulsorily convertible (but excluding debentures of a property company):  Provided that – (a) shares and convertible debentures in a single company or related party listed on a stock exchange within the common monetary area –  (i) with a market capitalization of N\$5 000 million or less are limited to  (ii) with a market capitalization of more than N\$5 000 million are limited to  (b) shares and convertible debentures in a single company or related party listed on a stock exchange licensed under Chapter 3 of the Act –  (i) with a market capitalization of N\$500 million or less are limited to  (ii) with a market capitalization of more than N\$500 million are limited to  (c) shares and convertible debentures in a single company or related party listed on a stock exchange outside the common monetary area –  (i) with a market capitalization of N\$5 000 million or less are limited to  (ii) with a market capitalization of more than N\$5 000 million are limited to  <b>Total investments of a society in assets in this category</b>	5% 10%   5% 10%  5% 10%  <b>75%</b>
8. Other claims	Debentures (listed and unlisted but excluding convertible debentures) and any other secured claims against natural persons and companies (excluding loans to and debentures of a property company):  Provided that –  (a) Claims against any one natural person are limited to	0.25%

	(b) Claims against any single company are limited to	5%
	<b>Total investments of a society in assets referred to in this item</b>	<b>25%</b>
9. Other assets	Any other asset not referred to in this Annexure, per category or kind of asset, excluding –  (a) Moneys in hand; and  (b) Any other asset designated by the Minister by notice in the <i>Gazette</i>	2.5%

#### ANNEXURE 4

#### HEALTH POLICIES EXCLUDED FROM BUSINESS OF MEDICAL AID FUND (Regulation 43)

Category	Type of policy	Policy benefits	Criteria
1.	Lump sum or income replacement policy benefits payable on a health event	Covers contingency expenses associated with insured persons experiencing a specified health event and/or loss of income as a result of a health event, provided the insured person can provide evidence of loss of income.	(a) Policy benefits are one or more lump sums assured stated in Namibia Dollar terms; (b) Contract must provide for an annual term and monthly premiums; and (c) An elimination or deferred period may apply before policy benefits are paid.
	Frail care for persons over the age of 60 years	Covers custodial care (assistance with activities of daily living) for insured persons.	(a) Policy benefits are one or more sums assured stated in Namibia Dollar terms or ascertainable on a pre-determined basis set out in the policy; (b) Policy benefits may be paid out in kind or to provider of a relevant health service; (c) Policy benefits may be linked to actual costs or expenses of a relevant health service; (d) Policy benefits may be paid on a prefunded or immediate needs basis; and (e) An elimination or deferred period may apply before policy benefits are paid.
3.	HIV and Aids	Covers expenses for HIV related testing and HIV and Aids treatment on an employee group basis for employees and their dependents, to the extent that such expenses are not covered by a Medical Aid Fund.	(a) Policy benefits are one or more sums assured stated in Namibia Dollar terms or ascertainable on a pre-determined basis set out in the policy; (b) Policy benefits may be paid out in kind or to provider of a relevant health service; (c) Policy benefits may be linked to actual costs or expenses of a relevant health service;

			<p>(d) Policy benefits may be paid on a prefunded or immediate needs basis; and</p> <p>(e) An elimination or deferred period may apply before policy benefits are paid.</p>
4	Emergency Evacuation or Transportation	Covers guaranteed access to and utilisation of specialised medical transportation and/or guaranteed hospital admission to ensure that the insured person is admitted to an emergency health facility and stabilised, only to the extent that such expenses are not covered by a Medical Aid Fund.	<p>(a) Policy benefits are ancillary to the main policy benefits provided under the policy;</p> <p>(b) Policy benefits may be payable in kind or to the provider of a relevant health service; and</p> <p>(c) Policy benefits may be linked to actual costs or expenses of a relevant health service that is medically necessary to stabilise the health of the insured.</p>
5	Medical expense shortfall cover	<p>Covers the costs or expenses of a relevant health service that in respect of benefits provided by a medical aid fund registered under Chapter 7 of the Act, -</p> <p>(a) does not constitute a benefit; or</p> <p>(b) constitutes a benefit not paid in full by such medical aid fund.</p>	<p>(a) Policy benefits are one or more sums insured stated in the contract in Namibia Dollar terms;</p> <p>(b) Insured person/s must be a member/s of a medical aid fund; and</p> <p>(c) Contract must provide for an annual term and monthly premiums.</p>
6	Motor: Third Party Liability	Covers insured persons for the costs of a relevant health service following the injury of a third party (other than the insured persons) as a result of an accident.	Policy benefits may be linked to actual costs or expenses of a relevant health service.
7	Property: Third Party Liability	Covers insured persons for the costs of a relevant health service following the injury of third parties (other than the insured persons) while at the property of the insured persons.	Policy benefits may be linked to actual costs or expenses of a relevant health service.
8	International travel insurance	Covers costs associated with a relevant health service incurred while travelling outside of the Republic of Namibia, as a result of health, disability or death event that occurs while not in the Republic of Namibia.	<p>(a) Policy benefits may be paid out in kind or to provider of a relevant health service;</p> <p>(b) Policy benefits may be linked to actual costs or expenses of a relevant health service; and</p> <p>(c) Policy benefits may be paid on a prefunded or immediate needs basis.</p>

## ANNEXURE 5

LIMITS ON INVESTMENTS BY MEDICAL AID FUND  
(Regulation 47)

Column 1	Column 2	Column 3
Kind of Asset	Definition of Asset	Maximum percentage of Aggregate market value of total assets
1. Credit Balances	Deposits with and balances in current and savings accounts with banking institutions or a building society, including negotiable deposits and money market instruments in terms of which such a bank or building society is liable including paid-up shares of a building society, or deposits and savings accounts with the Post Office Savings Bank:	
	(a) Per banking institution	20%
	(b) Per building society	20%
	(c) Post Office Savings Bank	20%
	<b>Total investments of a fund in assets in this category</b>	<b>100%</b>
2. Government Bonds	Bills, bonds or securities issued or guaranteed by or loans to or guaranteed by the Government of the Republic of Namibia.	95%
3. Public enterprise, local authority and regional council Bonds	Bills, bonds or securities issued or guaranteed by or loans to or guaranteed by public enterprise, local authority council or regional council in the Republic of Namibia:	
	(a) Per local authority council authorized by law to levy rates upon immovable property	20%
	(b) Per regional council authorized by law to levy rates upon immovable property	20%
	(c) Per public enterprise	20%
	(d) Development Bank of Namibia	20%
	<b>Total investments of a fund in assets in this category</b>	<b>30%</b>
4. Corporate Bonds	Bills, bonds or securities issued by or loans to an institution in Namibia: Per institution	20%
	<b>Total investments of a fund in assets in this category</b>	<b>50%</b>
5. Foreign bonds	Bills, bonds or securities issued by the government or any other institution in a country other than Namibia:	
	(a) Per government	40%
	(b) Per institution	10%
	<b>Total investments of a fund in assets in this category</b>	<b>50%</b>
6. Property	Immovable property and shares in, loans to and debentures both convertible and non-convertible, of a property company:	
	(a) Per single property	5%
	(b) Per property development project	5%
	<b>Total investments of a fund in assets in this category</b>	<b>10%</b>

7. Shares	Preference and ordinary shares in companies (excluding shares in a property company), convertible debentures whether voluntary or compulsorily convertible (but excluding debentures of property companies): Provided that-		
	(a) shares and convertible debentures in a single company or related party listed on a stock exchange within the common monetary area -		
	(i) with a market capitalization of N\$5 000 million or less are limited to	5%	
	(ii) with a market capitalization of more than N\$5 000 million are limited to	10%	
	(b) shares and convertible debentures in a single company or related party listed on a stock exchange licensed under Chapter 3 of the Act -		
	(i) with a market capitalization of N\$500 million or less are limited to	5%	
	(ii) with a market capitalization of more than N\$500 million are limited to	10%	
	(c) shares and convertible debentures in a single company or related party listed on a stock exchange outside the common monetary area -		
	(i) with a market capitalization of N\$5 000 million or less are limited to	5%	
	(ii) with market capitalization of more than N\$5 000 million are limited to	10%	
	<b>Total investments of a fund in assets in this category</b>	<b>75%</b>	
	8. Other Claims	Debentures (listed and unlisted but excluding convertible debentures) and any other secured claims against natural persons and companies (excluding loans to and debentures of a property company): Provided that –	
		(a) Claims against any one natural person are limited to	0.25%
(b) Claims against any single company are limited to		5%	
<b>Total investments of a fund in assets referred to in this item</b>		<b>25%</b>	
9. Other Assets	Any other asset not referred to in this Annexure, per category or kind of asset, excluding –	2.5%	
	(a) Moneys in hand; and		
	(b) Any other asset designated by the Minister by notice in the <i>Gazette</i> .		