



GRANDFATHERING OF SUBORDINATE LEGISLATION

GENERAL

Definitions referencing a Standard or Regulation or requiring the constitution of a body;

1.1 Schedule 3 of the FIM Act under section 467 provides for transitional provisions as follows:

General preservation of subordinate measures and other actions

“2. (1) Any subordinate legislation or measure made under a repealed law remains in force unless in conflict with this Act and be deemed to be made thereunder until superseded by a subordinate measure made under this Act.”

(2) The rules of a financial institution made under a repealed law and in force immediately before the effective date continue to be in force so far as they are not inconsistent with this Act, except that the financial institution must within six months from the effective date amend or replace its rules so as to comply with the requirements of this Act.

1.2 The following Regulation, rules and other subordinate measures that have not been addressed under the FIM Act and its Standards or Regulations issued thereunder have been identified for purposes of the grandfathering exercise. These include the Long-term Insurance Regulations, Short-term Insurance Regulations, Medical Aid Fund Regulations and Pension Fund Regulations as well as the Rules of the Namibia Stock Exchange (NSX) and Listing Requirements, the Trust Deeds and Supplemental Deeds establishing Unit Trust Schemes rules under the Capital Markets respectively. There are no regulations or rules identified for grandfathering under the General Chapter of FIM Act.

SHORT TERM IINSURANCE (STI) - REGULATIONS

SUBJECT	REGULATION	TO BE GRANDFATHERED
Definitions	1	YES
Payment of premiums received	3	YES
Report of non-payment	4	YES

Prohibition of differentiation, inducements and assumption of obligations	5	YES
Limits of Investments	8	YES
LONG TERM INSURANCE (LTI) - REGULATIONS		
SUBJECT	REGULATION	TO BE GRANDFATHERED
Deposits	2	YES
Payment of premiums received	3	YES
Report of non-payment	4	YES
Prohibition of differentiation, inducements and assumption of obligations	5	YES
Insurance Tables	6	YES
Maximum sum insurable on life of a minor under fourteen years of age	7	YES
Payment of monetary benefits under funeral policies	8	YES
Proof of age and procedure when accepted age found incorrect	9	YES
Lost Policies	10	YES
Days of grace, paid-up policies and non-forfeiture rules: life policies	11	YES
Days of grace: funeral policies	12	YES
Limits of Investment	15	YES
MEDICAL AID FUND (MAF) - REGULATIONS	Provision in the FIM Bill (Chapter 4) Collective Investment Schemes	Degree of Gravity

SUBJECT	REGULATION	TO BE GRANDFATHERED
Definition of Practice Number	1	YES
Definition of Supplier of Health Service	1	YES
Limitation on claims – imposing conditions to withhold payment of claim	7	YES
Payment of claims	8	YES
RETIREMENT FUND (RF) - REGULATIONS	Provision in the FIM Bill (Chapter 4) Collective Investment Schemes	Degree of Gravity
SUBJECT	REGULATION	TO BE GRANDFATHERED
Assets in which a registered fund may invest	12 to 13 (Part 7)	YES
Investment of pension fund assets in unlisted investments	14 to 40 (Part 8)	YES
Administrative penalties	42	YES
FINANCIAL MARKETS (FM) & COLLECTIVE INVESTMENT SCHEMES (CIS) - REGULATIONS		
SUBJECT	REGULATION	TO BE GRANDFATHERED
Financial Markets	Rules of the NSX and Listing Requirements	YES
Unit Trust Schemes (Entities under Ch4 of FIMA)	Existing Trust Deeds and Supplemental Deeds establishing Unit Trust Schemes	YES

DECLARATIONS OF UDESIRABLE PRACTICES

SUBJECT	REGULATION	TO BE GRANDFATHERED
Curtailment of Benefits	N/A	YES
Advertising	N/A	YES
Discounts	N/A	YES
Restrictions and Exclusions relating to third party claims	N/A	YES

DIRECTIVES/CIRCULARS

SUBJECT	REGULATION	TO BE GRANDFATHERED
All Directives and Circulars issued to date	N/A	YES